

CITY COUNCIL AGENDA STATEMENT



DECEMBER 17, 2013, Item 14

ITEM TITLE:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 3 (ANIMAL CONTROL) OF THE CITY'S MASTER FEE SCHEDULE
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 5 (LIBRARY) OF THE CITY'S MASTER FEE SCHEDULE
- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 6 (POLICE) OF THE CITY'S MASTER FEE SCHEDULE
- D.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15 (FIRE) OF THE CITY'S MASTER FEE SCHEDULE
- D.2. ORDINANCE AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 9.05 (EMERGENCY RESPONSE COST RECOVERY) TO INCORPORATE COST RECOVERY FEES FOR FIRE DEPARTMENT EMERGENCY INCIDENT RESPONSE
- E.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO MASSAGE ESTABLISHMENTS AND TECHNICIANS AND HOLISTIC HEALTH ESTABLISHMENTS AND PRACTITIONERS
- E.2. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 5.36.135 OF THE CHULA VISTA MUNICIPAL CODE TO AUTHORIZE THE COLLECTION OF MASSAGE AND HOLISTIC HEALTH ESTABLISHMENT LICENSE ANNUAL RENEWAL FEES AND AMENDING SECTION 5.36.190 TO REQUIRE PAYMENT OF NEW APPLICATION FEES FOLLOWING CHANGE OF LOCATION OF A MASSAGE

ESTABLISHMENT

- F.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF THE CITY'S MASTER FEE SCHEDULE CREATING NEW FEES FOR FIREARMS DEALERS
- F.2. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 5.28.010 OF THE CHULA VISTA MUNICIPAL CODE TO AUTHORIZE THE COLLECTION OF FIREARMS DEALER LICENSE ANNUAL FEES AND SECTION 5.28.015 TO REQUIRE ANNUAL INSPECTIONS OF FIREARMS DEALERS BY THE POLICE DEPARTMENT
- G.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO BINGO LICENSE APPLICATION FEE REFUNDS
- G.2. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 9.12.160 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO BINGO LICENSE APPLICATION FEE REFUNDS
- H.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO PAWNBROKERS, SECONDHAND AND JUNK STORE DEALERS
- H.2. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 5.38.030 OF THE CHULA VISTA MUNICIPAL CODE TO AUTHORIZE THE COLLECTION OF PAWNBROKER, SECONDHAND AND JUNK STORE DEALER LICENSE BIENNIAL RENEWAL FEES AND SECTION 5.38.120 TO AUTHORIZE THE COLLECTION OF PAWNSHOP EMPLOYEE IDENTIFICATION CARD ANNUAL RENEWAL FEES
- I.1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO ART FIGURE STUDIOS
- I.2. ORDINANCE OF THE CITY OF CHULA VISTA REPEALING CHAPTER 5.14 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO ART FIGURE STUDIOS

J. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE

SUBMITTED BY: DIRECTOR OF FINANCE/TREASURER *JK*
CHIEF OF POLICE *B*
FIRE CHIEF *DWA*
DIRECTOR OF LIBRARY *BW*
ANIMAL CARE FACILITY ADMINISTRATOR *ABacon for*

REVIEWED BY: CITY MANAGER *JPS*
ASSISTANT CITY MANAGER *SA*

4/5THS VOTE: YES ☐ NO ☒

SUMMARY

The City is in the process of comprehensively reviewing and updating its Master Fee Schedule. Adoption of the proposed resolutions and ordinances will implement the next phase of the Master Fee Schedule review, updating animal control fees, business fees, library fees, police fees, and fire emergency response fees included in Chapters 3, 4, 5, 6, and 15 of the Master Fee Schedule.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378(b)(4) of the State CEQA Guidelines because it is a government fiscal activity; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

RECOMMENDATION

That Council adopt the ordinances and resolutions.

BOARDS/COMMISSION RECOMMENDATION

The Board of Library Trustees supported and approved the Master Fee Schedule changes reflected in Resolution B at its meeting on October 16, 2013. Minutes for the subject meeting are included as Attachment 1.

DISCUSSION

In 2009, the City Council endorsed the City Manager's Fiscal Health Plan, including the review of the City's Master Fee Schedule to identify potential additional fee revenues. The comprehensive review of the Master Fee Schedule is occurring in multiple phases.

Items to be considered in the current phase of the review include:

- A. Animal Control Fees
- B. Library Fees
- C. Fire Emergency Response Cost Recovery (New)
- D. Police Fees
- E. Business Fees (Police Regulated)

The final phases of the comprehensive Master Fee Schedule require additional analysis before they can be brought forward to Council for consideration. The next phase of the fee review will consider the following, at minimum:

- A. Library Facility Rentals (new) and Recreation & Parks Facility Rentals
Status: Initial data gathering is complete and analysis is underway. Recommended fee updates will be brought forward to Council in spring 2014.
- B. Recreation Program Fees
Status: As with fees included in the current phase of the Master Fee Schedule review, Recreation program fees are limited to recovering only the cost of providing the associated services. Updating the Recreation program fees therefore requires the development of a cost of service analysis. Preparation of this analysis has been delayed, as preliminary modeling has revealed additional data needs, including consideration of departmental policies and potential partnerships. In order to properly document the cost of service for Recreation programs, the Recreation Department recommends developing a Cost Recovery, Resource Allocation and Revenue Enhancement Plan. This plan will serve as the basis for setting future Recreation program fees. Moving forward with this portion of the Master Fee Schedule review is dependent upon the completion of this plan. Recreation Department staff anticipates awarding a contract for the development of the plan in January 2014, with development of the plan itself anticipated to occur over the next 12 to 18 months.

Master Fee Schedule – Overview

Originally established in 1982, the Master Fee Schedule (“Schedule”) is a centralized listing of the fees charged by the City for services, administrative acts and other legally required fees. The Schedule serves as a resource for the public to determine the costs of various types of City services without the need for extensive research or a specialized understanding of municipal government.

While a primary mission of government is to satisfy community needs, such as police and fire protection, many city services solely benefit specific individuals or businesses. It has been the general policy of the City Council that the public at large should not subsidize activities of such a private interest through general tax revenues. Therefore, the City has established user fees to best ensure that those who use a proprietary service pay for that service in proportion to the benefit received.

Fees imposed by the City take one of three forms: flat fees, tiered or multi-level fees, and variable fees based on costs (deposits).

Flat fees are preferable in most cases due to their ease of administration and collection. Where the annual volume of activity is high and the per-project costs are reasonably stable, the flat fees are calculated based on the average transaction costs for services provided.

Tiered or multi-level fees serve as a middle ground. These fees are used when the cost of service provision is more closely correlated to a specific project factor. Two or more fee levels are set and the level of the fee is determined by objective measurable criteria. Tiered fees thus offer the stability and administrative ease of flat fees and the enhanced equity of deposits. As with flat fees however, these fees must be updated periodically to ensure that the City's general tax support for these services remains at a consistent level.

Variable fees require a deposit from which actual costs are debited and any unspent balance is refunded. If the costs of a particular service differ with the size or complexity of the project, deposit-based fees provide a more equitable assessment of those costs than would be possible through a flat fee. Thus, for example, major development projects in Otay Ranch are charged only for the actual staff time spent on their various projects, rather than paying "average" processing costs. Variable fees are difficult to administer, but since they automatically correct for changes in service costs, increased efficiency, and fluctuations in requested or mandated service levels, they seldom require updating. While they do not require frequent updates, it is preferable to regularly update any standardized deposit schedules associated with these fees. Realistic deposit schedules help applicants better understand the financial commitment associated with the City's provision of these services.

Cost Recovery Policy

The City's Cost Recovery Policy ("Policy") was adopted in June 2010 (Attachment 2). The Policy has three central components:

1. Provisions for ongoing review
2. Process for establishing cost recovery levels
3. Target cost recovery levels for services/activities

As the comprehensive Master Fee Schedule review moves toward its conclusion, it is appropriate to review the provisions for ongoing review and the target cost recovery levels established in 2010. In conjunction with this report, staff is requesting feedback from the Council on modifications to the target cost recovery levels for specific program areas. Staff will return to Council with a resolution modifying the Policy to reflect the direction received from the Council with the next phase of the Master Fee Schedule review.

Ongoing Review

The Policy recommends comprehensive analysis of the city's costs and fees at least every five years. In the interim, annual updates each October are recommended based on either the annual change in the City's operating budget or the annual change in the San Diego area Consumer's Price Index for all Urban Consumers. The annual adjustments have not been implemented while the comprehensive review has been underway. Once the Master Fee Schedule review is complete, staff will implement this policy (first annual adjustment planned for October 2014). Staff anticipates updating this section of the Policy to focus

the annual index amount on labor costs in particular, rather than the overall City operating budget. Staff will return to Council with recommended modifications to this portion of the Policy with the next phase of the fee study.

Establishing Cost Recovery Levels

The Policy lays out the process for establishing the cost recovery levels, including factors to be considered, general concepts and determination of cost recovery levels. Factors to be considered when determining cost recovery levels include:

1. Community benefit versus special benefit
2. Service recipient versus service driver
3. Consistency with City public policies and objectives
4. Elasticity of demand
5. Feasibility of collection

Target Cost Recovery Levels

The Policy next identifies target cost recovery levels for City services/activities. The target cost recovery levels in the Policy are described in broad, programmatic terms to provide flexibility necessary to address new services and activities that may be offered by the City in the future without amending the Policy itself. In practical terms, the cost recovery for a single fee activity might be higher or lower than the cost recovery target for that program, as long as the overall cost recovery for the program's fees is consistent with the Policy.

When the Policy is brought back to the Council for modification, staff will recommend narrowing the individual service areas/programs to allow for greater specificity. For example, the Policy currently includes Fire Department operational permits (30%-70% target cost recovery) and Fire Department construction permits (70%-100% target cost recovery), while the Animal Control program only has one program and associated target cost recovery (0%-30%). Based upon review of the Animal Control program in conjunction with the current phase of the fee schedule review, bifurcating this program between (1) animal adoptions, impounds, and relinquishments and (2) licenses, vaccinations, veterinary and other services, is recommended. The Animal Control fees recommended for adoption with this action reflect this anticipated change.

Master Fee Schedule – Current Phase Update - Detail

As a result of the complex nature of the fees included in the current phase of the Master Fee Schedule review, the City contracted with a consultant to produce a cost of service analysis for these user and regulatory fees. This cost of service analysis identifies actual costs incurred by the City in providing the subject services, which is the maximum amount legally recoverable by the City via fees for these services. The City selected NBS to conduct the study. NBS is an independent firm serving local government agencies including cities and towns, counties, special purpose districts, and economic development agencies/organizations.

In conducting the fee study, NBS applied a three phase analysis, including cost of service analysis, cost recovery evaluation, and fee establishment. The cost of service analysis prepared by NBS included calculation of a fully burdened blended hourly rate for each workgroup in the fee study. This fully burdened blended hourly rate was then used at the

individual fee level to estimate an average (reasonable) full cost of service for each fee related service or activity. For some departments, hourly rates were developed for different employee classes (e.g. sworn versus non-sworn Police Department employees).

The study methodology and findings, including the calculation of fully burdened hourly rates and the cost of service for all activities included in the current fee study are presented in the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part 1, prepared by NBS. A summary of this analysis is included as Attachment 3 of this report. Full analytical models are on file with the City Clerk's Office.

Proposed amendments to the Master Fee Schedule for the current phase of the comprehensive review are shown in redline strikeout in Attachment 4. All fee updates recommended are based on the cost of service analysis prepared by NBS and are consistent with the target cost recovery levels set by the City's Cost Recovery Policy.

To follow is an overview of the fee updates proposed. A limited number of the fee updates recommended require amendments to the Chula Vista Municipal Code (CVMC). In those instances, adoption of the resolution implementing the proposed Master Fee Schedule change requires adoption of the coordinating ordinance modifying the Municipal Code (e.g. adoption of Resolution D.1. establishing Fire Emergency Response Cost Recovery fees in the Master Fee Schedule requires adoption of Ordinance D.2. amending the Municipal Code to incorporate cost recovery for Fire Department emergency incident response services).

Chapter 3 – Animal Control

The review of the Animal Control fees focused on licensing; animal adoptions; impounds and relinquishments; and vaccinations and veterinary fees. The Cost of Service analysis identified the full cost of providing animal control services. The City's Cost Recovery Policy has a target of 0-30% cost recovery for Animal Control services. The proposed fees for dog licenses, animal adoptions, impounds and relinquishments reflect cost recovery of approximately 35% overall. Single-year dog licenses are proposed to increase from \$12 to \$20 for altered animals and from \$25 to \$32 for unaltered animals. Three-year dog licenses are proposed to decrease from \$23 to \$20 for altered animals and from \$50 to \$32 for unaltered animals.

Animal Care Facility staff is recommending targeting near full cost recovery for vaccinations and veterinary services provided to in-house shelter animals, euthanasia at owner's request, and dangerous dog, nuisance dog, and barking dog hearings. Final cost recovery for this program will vary significantly depending on the collectability of vaccination and veterinary fees.

Adoption of Resolution A amends Chapter 3 of the Master Fee Schedule to reflect the recommended Animal Control fees.

Chapter 4 – Business Fees, Specific Businesses

The review of the Business Fees focused on the efforts of Police Department staff providing regulatory services to specific business types. The Cost of Service analysis identified the full cost of providing these services. The City's Cost Recovery Policy has a target of 70-100% for Business (Police) services.

In addition to updating the Master Fee Schedule, the Police Department recommends updating certain sections of the City's Municipal Code to optimize cost recovery. For those activities, discussed in detail below, adoption of the resolution amending the Master Fee Schedule requires adoption of the associated ordinance. The cost of service for all specific business activities discussed below was established in the NBS Cost of Service analysis.

Massage and Holistic Health Establishments and Massage Technicians

The City's Master Fee Schedule and Section 5.36.135 of the CVMC both currently reflect the collection of initial massage establishment license application fees. CVMC Section 5.36.220 requires inspections of massage establishments four-times annually. In order to recover the reasonable estimated cost of providing the inspection services required annually for massage establishments, an amendment to CVMC Section 5.36.135 to require payment of an annual renewal fee is recommended. Staff recommends increasing the massage establishment application fee from \$150 to \$1,400 and establishing an annual renewal fee of \$1,250.

Section 5.36.135 of the CVMC also requires the payment of an application fee to operate a holistic health establishment. The Master Fee Schedule does not currently include this fee. The Police Department's proposed amendments to Section 5.36.135 to require annual renewals of the massage establishment license also applies to holistic health establishments. Adding initial application and annual renewal fees for holistic health establishments of \$195 and \$25, respectively, is recommended.

The Master Fee Schedule currently establishes a fee of \$25 for the sale, transfer or change of location of a massage establishment. Per CVMC Section 5.36.190, a sale or transfer renders any previous license null and void and requires a new application. In order to recover the reasonable estimated cost of licensing a new application, staff recommends amending the Municipal Code to clarify that sale, transfer, or change of location of a massage establishment requires a new application and associated fees.

The final Master Fee Schedule amendment recommended for this business type relates to massage technicians and holistic health practitioners. The Municipal Code currently requires the annual renewal of licenses for massage technicians and holistic health practitioners. In order to better reflect the additional staff effort associated with initial license issuance, staff recommends splitting this fee into an initial application fee of \$175 and an annual renewal fee of \$100. The current annual fee (new or renewal) is \$30. No Municipal Code amendment is required to implement this change.

Adoption of Resolution E.1. amends Chapter 4 of the Master Fee Schedule to reflect the recommended massage and holistic health establishment and massage technician fees. Adoption of Resolution E.1. requires adoption of Ordinance E.2.

Firearms Dealer

Chapter 5.28 of the CVMC requires a license from the Chief of Police in order to engage in the business of selling, or otherwise transferring, or advertising for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon a person. The CVMC does not currently require annual inspections of firearms dealers and states that there shall be no charge for the issuance of this license.

State of California Penal Code Section 26705 permits local licensing authorities to assess a fee to recover the full cost of processing applications for a firearms dealer license. In addition, State of California Penal Code Section 26720 allows for local jurisdictions to adopt an inspection program. The California Department of Justice relies on local law enforcement to conduct an inspection prior to the issuance of a state license.

The Police Department recommends amending Chapter 5.28 of the Municipal Code to require a yearly inspection of all firearms dealers to ensure that persons engaged in the firearms business are in compliance with local, state, and federal laws and regulations. In addition, the Police Department recommends recovering the reasonable cost of providing initial license issuance and annual renewal of the license. Staff therefore recommends amending Chapter 5.28 of the CVMC and amending the Master Fee Schedule to reflect initial application and annual renewal fees of \$365 and \$310, respectively.

Adoption of Resolution F.1. amends Chapter 4 of the Master Fee Schedule to reflect the recommended firearm dealer fees. Adoption of Resolution F.1. requires adoption of Ordinance F.2.

Bingo License Application Fee Refunds

Section 9.12.160 (B) of the CVMC requires the payment of an application fee with each bingo license application and states that in the event an application is denied, 50 percent of the investigation fee shall be refunded. The Cost of Service analysis conducted by NBS did not identify any reduction in the cost to the City in processing a denied bingo license application (all staff effort is in advance of the denial). This partial refund reduces the cost recovery for this activity by 50 percent. In order to bring this activity into compliance with the City's Cost Recovery Policy target of 70-100% for Police fees, staff recommends amending Section 9.12.160 (B) of the CVMC and Chapter 4 of the Master Fee Schedule to eliminate the 50 percent refund requirement.

Adoption of Resolution G.1. amends Chapter 4 of the Master Fee Schedule to remove the refund provisions for denied bingo license applications. Adoption of Resolution G.1. requires adoption of Ordinance G.2.

Pawnbrokers, Secondhand and Junk Store Dealers

Section 5.38.030 (A) of the CVMC requires the payment of an application fee for each license issued to any pawnbroker, junk or secondhand dealer. Section 5.38.120 requires all pawnshop employees to be issued an identification card by the Chief of Police. Both sections speak only to the initial application and do not address the need for ongoing review of the license or identification card. Consistent with Department of Justice licenses for these same businesses, the Police Department recommends amending Section

5.38.030 to require renewal of the license every two years. The Police Department also recommends amending Section 5.38.120 to require renewal of the pawnshop employee identification cards annually.

In addition to the above described amendments to the CVMC, the Police Department recommends recovering the reasonable cost of providing license and identification card issuance and renewal services. Staff therefore recommends amending the Master Fee Schedule to reflect initial application and renewal fees for pawnbrokers, secondhand and junk store dealers of \$315 and \$100, respectively; and pawnshop employee identification card application and renewal fees of \$165 and \$70, respectively. This compares to the current license application fee of \$80 and pawnshop employee identification card application fee of \$30.

Adoption of Resolution H.1. amends Chapter 4 of the Master Fee Schedule to reflect the recommended pawnbroker, secondhand, and junk store dealer fees. Adoption of Resolution H.1. requires adoption of Ordinance H.2.

Art Figure/Model Studio

In November of 2012 the City Council adopted Ordinance 3241 amending Chapter 9.13 of the CVMC, regulating the licensing and operations standard for sexually oriented businesses. Per that ordinance, adult model studios (also known as art figure studios) are considered sexually oriented businesses and licensing regulations are as set forth in Chapter 9.13. Prior to the adoption of Ordinance 3241, licensing of these businesses was governed by Chapter 5.14 of the CVMC. This chapter is now superseded by Chapter 9.13 and can be repealed. Removal of the associated fees from the Master Fee Schedule is also recommended.

Adoption of Resolution I.1. amends Chapter 4 of the Master Fee Schedule to reflect the elimination of art figure studio fees. Adoption of Resolution I.1. requires adoption of Ordinance I.2.

All Other Specific Business Fees

The remaining Master Fee Schedule updates recommended for Chapter 4 do not require amendments of the CVMC. The majority of the proposed changes reflect updating fees to recover the reasonable cost of providing the associated services and removing fees no longer required.

Based on the Cost of Service analysis, an increase in the initial deposit for an Alcoholic Beverage Control (ABC) Determination of Public Convenience or Necessity (PCN) hearing from \$250 to \$1,500 is recommended. In addition, appeals fees for ABC PCN determinations and other police regulated business licenses are recommended, consistent with existing requirements of the CVMC and other appeal fees in the Master Fee Schedule.

Adoption of Resolution J amends Chapter 4 of the Master Fee Schedule to reflect all recommended Business fees not addressed in Resolutions E.1. through I.1. Adoption of Resolution J does not require adoption of an ordinance.

Chapter 5 – Library

The review of the Library fees focused on existing fees, including service fees, fines, and local history collection fees. The Cost of Service analysis identified the full cost of providing these library services (no cost of service analysis is required for fines). The City's Cost Recovery Policy has a target of 0-30% for Library services.

Library staff is recommending leaving the non-California resident card annual fee unchanged at \$20. This reflects full cost recovery for this activity. For the local history collection, staff recommends creating new photo use fees of \$45 for individuals and \$125 for commercial uses. Actual costs to the City of providing this service are estimated to total nearly \$240 per use, resulting in recommended cost recovery of 20% for individuals and 50% for commercial uses. Similarly, staff is recommending increasing the obituary research request fee from \$5 to \$25. With an estimated cost per request of \$66, this reflects cost recovery of less than 40%.

A new fee is recommended for test proctoring services (written or computer based). This is a new activity, wherein Library Department staff administers a test and watches over students taking the examination. With the expansion of online learning, demand is anticipated to grow in the future. With a proposed fee of \$25 per student, per test, this reflects 50% cost recovery (estimated at \$50 per student, per test).

The next phase of the Master Fee Schedule review will consider rental fees for Library facilities (auditoriums, multi-purpose rooms, etc.).

Adoption of Resolution B amends Chapter 5 of the Master Fee Schedule to reflect the recommended Library fees.

Chapter 6 – Police

The review of Police fees focused on various administrative processing fees, and included the alarm permit fees and false alarm assessments approved by the Council on November 19th. The Cost of Service analysis identified the full cost of providing Police services (no cost of service analysis is required for fines or penalties). The City's Cost Recovery Policy has a target of 70-100% for Police services.

Significant changes recommended include the creation of adult arrest report sealing application and processing fees and the elimination of the bicycle permit fees (permits are no longer issued by the City).

Adoption of Resolution C amends Chapter 6 of the Master Fee Schedule to reflect the recommended Police fees.

Chapter 15 – Fire Department Emergency Incident Response

The Fire Department is recommending the creation of a Fire Department emergency incident response cost recovery program. This program relates specifically to services provided by the Fire Department as a result of a responsible party's actions, negligence or an intentional wrongful act. Costs for emergency response will be recovered from any and all responsible parties, including individuals and/or insurance companies.

The proposed emergency response cost recovery program includes the following incident responses:

1. Pipeline Incidents
 - a. Water Utility
 - b. Other Utility – Large Diameter
 - c. Other Utility – Small Diameter
2. Power Line Incidents
3. Illegal Fires
4. Hazardous Materials Incidents
 - a. Major
 - b. Minor (includes vehicle fires)
5. Special Rescue (examples include structural collapse, confined space, trench, and rope rescue).

The proposed fee schedule establishes hourly billing rates for each of the different incident types listed above, based on standard responses. For example, the standard response to a minor hazardous materials incident is one engine company (3 FTEs) and the standard response to a water utility incident is one truck company (4 FTEs).

Pipeline and Power Line Incidents

As described above, cost recovery for pipeline or power line incidents will be pursued only if the services are required as a result of a responsible party's actions, negligence or an intentionally wrongful act. This does not include damage caused by an act of God. In those instances of negligence or intentionally wrongful acts, costs will be recovered from the responsible parties (motorists, contractors, etc.).

Illegal Fires

Illegal fire incidents include any fire caused or set in violation of a federal, state or local law, including arson fire and fires set in violation of a "no burning" ban or order. An illegal fire does not include an accidental and unintended fire or fire caused by an act of God, e.g. a lightning storm. An illegal fire does include a fire resulting from grossly negligent or reckless conduct as well as an intentionally set fire.

California Health & Safety Code Section 13009 establishes that the person who negligently, or in violation of the law, sets a fire is liable for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services.

Hazardous Materials Incidents

The Chula Vista Fire Department responds to approximately 250 traffic accidents each year in which hazardous liquids are released from the vehicles involved in the accident (including vehicle fires). Because of much more stringent environmental protection requirements, the department is seeking to recover costs associated with this increased level of service from the driver who was responsible for the accident. Most, if not all, automobile insurance companies have provisions in their policies stipulating payment to fire departments for emergency response and services provided at vehicle accidents. Fire departments throughout the country are starting to bill for these services in order to contain costs of service and maintain response times and quality of service.

As described above, pursuant to California Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substances shall be liable for reimbursement to the agency for the cost incurred. For purposes of the hazardous materials incidents, this includes vehicle fires and/or vehicle accidents where hazardous fluids such as oil, gasoline, antifreeze, brake fluid or any other hazardous liquids originating from the vehicle including non-automotive fluids transported by the vehicle.

Additionally, California Vehicle Code, Section 17300 et seq., allows fire departments to recover costs incurred responding to motor vehicle accidents; including response equipment and staffing to secure, cleanup and/or dispose of any hazardous waste.

Adoption of Resolution D.1. amends Chapter 15 of the Master Fee Schedule to reflect the recommended Fire Department emergency incident response cost recovery fees. Adoption of Resolution D.1. requires adoption of Ordinance D.2.

Outreach

Finance Department staff presented the proposed Library fees to the Board of Library Trustees in June and August, with the Board acting to support adoption of the fees at its October meeting.

Fire Department staff has briefed representatives of Otay Water District, Sweetwater Authority, American Water, Cox Communications and AT&T regarding the proposed cost recovery for pipeline and power line incidents. The Fire Department has also briefed the Association of General Contractors. Copies of the proposed ordinance, fee schedule, and staff report have been provided as requested.

An overview of the proposed Master Fee Schedule update was presented to the Chula Vista Chamber of Commerce Board of Directors on November 13, 2013.

RELATIONSHIP TO CITY'S STRATEGIC PLAN

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Adoption of the resolutions amending the City's Master Fee Schedule (and associated ordinances) supports Operational Excellence Strategy 1.1, Uphold a Commitment to Fiscal Health, through Initiative 1.1.1, Implement Fiscal Recovery and Progress Plan.

DECISION MAKER CONFLICT

Staff has determined that the action contemplated by this item is ministerial, secretarial, manual, or clerical in nature and, as such, does not require the City Council members to make or participate in making a governmental decision, pursuant to California Code of Regulations Title 2, section 18702.4(a). Consequently this item does not present a conflict under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware, and has not been informed by any City Council member, of any

other fact that may constitute a basis for a decision maker conflict of interest in this matter.

CURRENT YEAR FISCAL IMPACT

The proposed Master Fee Schedule update is based on the cost of service analysis prepared by NBS. This analysis identifies the maximum amount legally recoverable for providing user and regulatory fee related services and is based on the City's operating budget for fiscal year 2013-14. The City's Cost Recovery Policy is then applied to the full cost of service to determine the recommended fee amounts and the estimated annual General fund subsidy amount.

The cost of service analysis prepared by NBS estimates recoverable costs of \$3.7 million annually for the subject services, of which NBS estimates the City's current fee structure recovers only \$860,000. Assuming the adoption of the fees recommended herein and reflected in Resolutions A through J, the City could recover as much as \$1.95 million in additional revenues annually, assuming no change in the volume of fee related services provided and a collection rate of 100%. The revenue impacts by program area are shown in Table 1 below.

Table 1 – Calculated Potential Revenue Impacts of Proposed Fee Updates

| Fee Category | Est. Revenues at Current Fees | Est. Revenues at Full Cost Recovery | Existing Cost Recovery % | Est. Revenue at Recommended Fees | Recommended Fee Cost Recovery % |
|----------------|-------------------------------|-------------------------------------|--------------------------|----------------------------------|---------------------------------|
| Animal Control | \$ 452,000 | \$ 2,560,000 | 18% | \$ 1,802,000 | 70% |
| Library | \$ 1,380 | \$ 4,000 | 35% | \$ 2,000 | 50% |
| Police | \$ 406,000 | \$ 585,000 | 69% | \$ 483,000 | 83% |
| Fire | \$ - | \$ 523,000 | 0% | \$ 523,000 | 100% |
| Total | \$ 859,380 | \$ 3,672,000 | 23% | \$ 2,810,000 | 77% |

It is important to note that this calculation is a mathematical exercise, based on the annual activity volumes identified in the cost of service analysis, and not an actionable revenue projection. Accurately predicting revenue impacts in the near term is very difficult. However, absent a significant long-term change in the City's activity levels, the proposed fee amendments will result in increased cost recovery to the City.

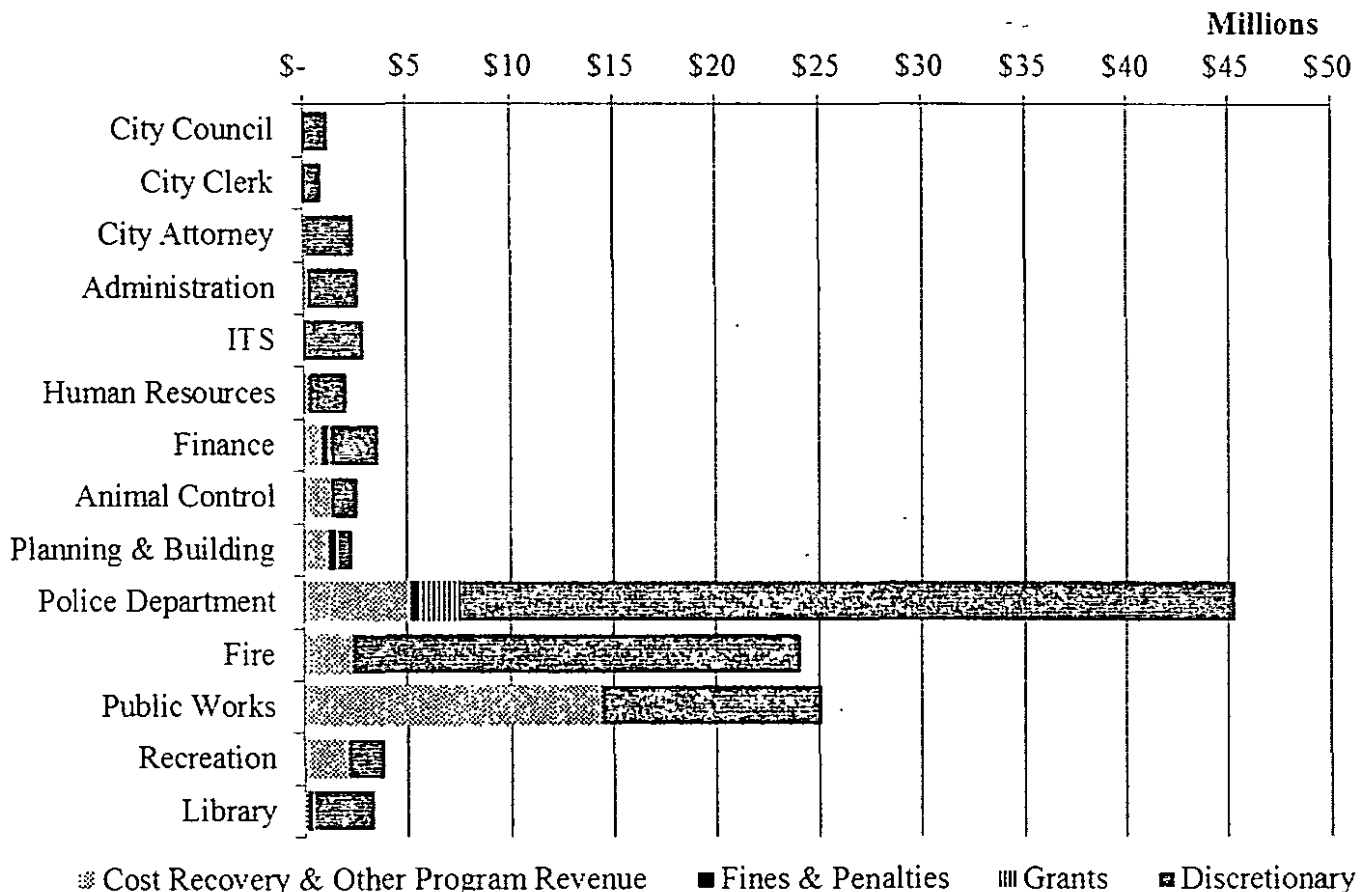
Approval of the resolutions amending the Master Fee Schedule supports optimal cost recovery for the City, per the guidelines of the City's Cost Recovery Policy. Impacts to revenues in the current fiscal year will vary based upon actual requests for fee based services and collection rates. No appropriation of additional revenues is recommended at this time.

ONGOING FISCAL IMPACT

Approval of the resolutions amending the Master Fee Schedule supports optimal cost recovery for the City, per the guidelines of the City's Cost Recovery Policy. Impacts to revenues in future years will vary based upon actual requests for fee based service. If the resolutions are approved, future budgets will include updated revenue estimates based on actual collection trends under the new fee schedule.

The chart below illustrates the funding of the City's General fund departments in fiscal year 2013-14, broken out into the following categories:

1. Cost Recovery & Other Program Fees – includes all cost of service based fees and hourly billing based staff time reimbursements, including developer and capital project staff time reimbursements. Also includes facility rental revenues and revenues generated per agreements with other agencies.
2. Fines & Penalties – includes citations, penalties and service charges.
3. Grants – reflects only those grants budgeted in the General Fund. Separate grant funds are also maintained.
4. Discretionary – reflects the discretionary revenues allocated to each department. Primarily made up of property taxes, sales taxes, franchise fees, motor vehicle license fees, utility users taxes, transient occupancy taxes and business license taxes.



ATTACHMENTS

- Attachment 1: Board of Library Trustees, Minutes of October 16, 2013 Meeting
- Attachment 2: Citywide Cost Recovery Policy
- Attachment 3: Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I (Summary only; full analytical models on file with City Clerk's Office)
- Attachment 4: Redline Master Fee Schedule (Chapter 3, Chapter 4, Chapter 5, Chapter 6, and Chapter 15, Section 15-300)

Prepared by: Tiffany Allen, Treasury Manager, Finance Department

MINUTES
BOARD OF LIBRARY TRUSTEES

OCTOBER 16, 2013
4:00 PM

CIVIC CENTER BRANCH LIBRARY
CONFERENCE ROOM

BOARD MEMBERS PRESENT: CHAIR *B. YOUNG*; VICE-CHAIR *J. BARNES*;
TRUSTEES *E. MELLOR*

BOARD MEMBERS ABSENT: NONE

CITY STAFF PRESENT: LIBRARY DIRECTOR *BETTY WAZNIS*

OTHERS PRESENT: DIRECTOR OF FINANCE *MARIA KACHADOORIAN* &
TREASURY MANAGER *TIFFANY ALLEN*

CALL TO ORDER / ROLL CALL

Chair Young called the meeting to order at 4:08 p.m.

I. APPROVAL OF MINUTES

Motion made by Trustee Mellor and seconded by Vice-Chair Barnes to approve the meeting minutes from August 21, 2013. Motion carried.

II. NEW BUSINESS

A. Presentation of proposed amendment to Chapter 5 (Library Fees) of the Chula Vista Master Fee Schedule

Staff Recommendation: Board hears the presentation, provide comments and approve the proposed Master Fee Schedule amendment

Treasurer Manager Allen distributed copies of Fee Bulletin 5-100 (dated May 2010). Finance staff explained and reviewed the documents with the Board.

Chair Young stated that the Library's budget has declined for the past six years. The Board would like to remind City Council that the Library is under budgeted and the Master Fee Schedule does help recover the Library's budget.

Finance Director Kachadoorian invited the Trustees to speak at the Council Meeting of November 19th when the Master Fee Schedule will be presented.

Motion made by Trustee Mellor and seconded by Vice-Chair Barnes to support and approve the fees as presented.

MINUTES BOARD OF LIBRARY TRUSTEES

III. OLD BUSINESS

- A. Chair Young requested an update on Fallen Heroes Art Exhibit

Director Waznis reported that the group is changing their approach to the project. They want to display portraits of their loved ones. The project will be on display by Memorial Day.

IV. LIBRARY DIRECTOR'S REPORT

- A. Status of Board of Trustees Vacancies - One candidate is scheduled to be interviewed next Monday.

- B. Strategic Vision Plan (Report on Workshop & Citizen Advisory Committee) –

Chair Young stated that it was great seeing the number and diversity of community leaders in attendance at both the Strategic Vision Workshop and the Citizens Advisory Committee meeting. It showed that many people care about the Library.

Director Waznis informed the Board that the Strategic Vision Plan is the first phase of the Master Facility Plan. A second Citizens Advisory Committee meeting is tentatively scheduled for December 4th, from 1:00-3:00 pm.

- C. Otay Expansion Status - The City and Otay Ranch Town Center has reached a tentative agreement and the draft lease agreement is under review. We are planning to move in on December 1st with minimum services. The anticipated opening date for regular hours is set for July 1, 2014. The expansion will allow for overflowing storytimes, larger group meetings, small performances, rotating collections, study space and passport services.
- D. Heritage Museum Opening – The Chula Vista Police Department Historical Exhibit opening event in August was very successful, with approximately 300 attendees.
- E. Affordable Care Act at Libraries – The Library is partnering with the San Ysidro Health Center to provide information to the public.
- F. Action in Regard to Homeless Population – The City is taking a three prong approach: 1) posting signs to prohibit extended & overnight parking, 2) creating enforcement zones - where there is children, there will be more aggressive policing and monitoring, and 3) working businesses to recover shopping carts.
- G. Conclusion of Successful Fall Lunch & Snack Partnership - Once again we had a very successful partnership with the Chula Vista Elementary School District to provide lunch & snacks for children who might be doing without during intersession. The program was combined with a movie or another activity.

**MINUTES
BOARD OF LIBRARY TRUSTEES**

- H. October – Focus on Partnerships with Health & Education Organizations
Free flu shot clinics provided over 400 shots.
- I. Two Grants Accepted – The department received \$10,000 from the California State Library for literacy programs, and a \$2,000 donation from the Target Corporation.
- J. PEG Fund Projects – Funds to help promote public access to technology will help fund the rewiring of the Library to provide better internet service and increase the number of Google Chromebooks available.
- K. 2014 GMOC (Growth Management Oversight Commission) – Will be meeting on October 17th at 6 pm to review Library information.

V. COMMUNICATIONS

- A. Friends of the Chula Vista Library – None
- B. Chula Vista Public Library Foundation – None
- C. Public Comments – None
- D. Written Comments –None
- E. Board Comments
 - 1) Trustee Mellor expressed concerns about the possible closing of the Living Coast Discovery Center
 - 2) Chair Young inquired whether the current regular meeting schedule was suitable and requested to agendize the item at the next meeting.

VI. ADJOURNMENT

Meeting was adjourned by Chair Young at 5:17 p.m.

The next Board of Library Trustees meeting will be on Wednesday, November 20, 2013 at 4:00 p.m.

**COUNCIL POLICY
CITY OF CHULA VISTA**

| | | | |
|---|--------------------------|---------------------------|-------------|
| SUBJECT: Citywide Cost Recovery Policy | POLICY NUMBER | EFFECTIVE DATE | PAGE |
| | 159-03 | 06/08/2010 | 1 of 5 |

ADOPTED BY: Resolution No.: 2010-145

DATED: 06/08/2010

AMENDED BY: Resolution No. (date of resolution)

BACKGROUND:

As the City continues its efforts toward a sustainable budget that will withstand uncertain economic times in the long term, it is appropriate that cost recovery levels be established for services for which a fee is charged. The foundation of effective cost recovery is a well conceived, regularly reviewed policy. Such a policy provides a guideline for setting fees given the full cost of each service, allowing optimum cost-recovery rates for certain services and alleviating unintended subsidization of these services from General Fund resources.

A cost recovery policy provides guidelines for setting fees given the full cost of service. It does not bind policy makers to increasing or decreasing fees, but provides a rationale for doing so. The lower fees are set relative to full cost recovery, the more General Fund dollars are required to maintain the service. This additional support must then be weighed against the other needs for General Fund resources, including needs which may not have similar cost recovery options.

While a primary mission of government is to satisfy community needs, many city services solely benefit specific individuals or businesses. It has been the general policy of the City Council that the public at large should not subsidize activities of such a private interest through general tax revenues. Therefore, the City has established user fees to best ensure that those who use a proprietary service pay for that service in proportion to the benefits received. With few exceptions, such as those services provided for low-income residents, fees have been set to enable the City to recover the full cost of providing those services.

PURPOSE:

The purpose of this Policy is to establish a citywide cost recovery policy, including:

1. Provisions for ongoing review;
2. Process for establishing cost recovery levels (including factors to be considered and general concepts); and
3. Target cost recovery levels for each program offered by the City.

**COUNCIL POLICY
CITY OF CHULA VISTA**

SUBJECT: Citywide Cost Recovery Policy

**POLICY
NUMBER**

159-03

**EFFECTIVE
DATE**

06/08/2010

PAGE

2 of 5

ADOPTED BY: Resolution No.: 2010-145

DATED: 06/08/2010

AMENDED BY: Resolution No. (date of resolution)

POLICY:

Provision for Ongoing Review

Fees will be periodically reviewed in order to keep pace with changes in the cost of living and methods or levels of service delivery. In order to facilitate a fact-based approach to this review, a comprehensive analysis of the city's costs and fees should be made at least every five years. In the interim, fees will be adjusted annually each October 1, by either:

1. Annual change in the City's operating budget; or
2. Annual change in the San Diego area's Consumer Price Index for all Urban Consumers

All updates will be based upon the July to July change in the subject index for the prior year (or portion thereof in the instance of mid-year fee updates).

Process for Establishing Cost Recovery Levels

Factors to be Considered

The following factors will be considered when setting cost recovery levels for user fees.

1. Community-wide versus special benefit

The use of general purpose revenue is appropriate for community-wide services while user fees are appropriate for services that are of special benefit to easily identified individuals or groups. Full cost recovery is not always appropriate.

2. Service recipient versus service driver

After considering community-wide versus special benefit for the service, the concept of service recipient versus service driver should also be considered.

Particularly for services associated with regulated activities (development review, code enforcement), from which the community primarily benefits, cost recovery from the 'driver' of the need for the service (applicant, violator) is appropriate.

3. Consistency with City public policies and objectives

City policies and Council goals focused on long term improvements to community quality of life may also impact desired fee levels as fees can be used to change community behaviors,

| COUNCIL POLICY CITY OF CHULA VISTA | | | |
|--|--------------------------|---------------------------|-------------|
| SUBJECT: Citywide Cost Recovery Policy | POLICY NUMBER | EFFECTIVE DATE | PAGE |
| | 159-03 | 06/08/2010 | 3 of 5 |
| ADOPTED BY: Resolution No.: 2010-145 | | DATED: 06/08/2010 | |
| AMENDED BY: Resolution No. (date of resolution) | | | |
| <p>promote certain activities, or provide funding for pursuit of specific community goals. For example, the City has historically subsidized building permits for photovoltaic systems in order to promote their use in the community.</p> <p>4. Elasticity of demand</p> <p>Pricing of services can significantly impact demand. At full cost recovery, this has the specific advantage of ensuring that the City is providing services for which there is a genuine market, and that it is not over-stimulated by artificially low prices.</p> <p>Conversely, high levels of cost recovery may negatively impact the delivery of services to lower income groups. This negative feature can work against public policy, especially if the services are specifically targeted to low income groups.</p> <p>5. Feasibility of collection</p> <p>Although it may be determined that a high level of cost recovery may be appropriate for specific services, it may be impractical or too costly to establish a system to identify and charge the user. The method of assessing and collecting fees should be as simple as possible in order to reduce the administrative cost of collection.</p> <p>General Concepts</p> <ol style="list-style-type: none"> 1. Revenues should not exceed the reasonable cost of providing the service. 2. Cost recovery goals should be based on the total cost of delivering the service, as calculated using the fully burdened hourly rates developed in the City's Cost Allocation Plan (CAP), including direct costs, departmental administration costs and organization wide supports costs such as accounting, personnel, informational technology, legal services, fleet maintenance and insurance. 3. The method of assessing and collecting fees should be as simple as possible in order to reduce the administrative cost of collection. 4. Rate structures should be sensitive to the 'market' for similar services as well as to smaller, infrequent users of the service. 5. A unified approach should be used in determining cost recovery levels for various programs based on the factors discussed above. | | | |

**COUNCIL POLICY
CITY OF CHULA VISTA**

| SUBJECT: Citywide Cost Recovery Policy | POLICY NUMBER | EFFECTIVE DATE | PAGE |
|---|--------------------------|---------------------------|-------------|
| | 159-03 | 06/08/2010 | 4 of 5 |

ADOPTED BY: Resolution No.: 2010-145

DATED: 06/08/2010

AMENDED BY: Resolution No. (date of resolution)

Determination of Cost Recovery Levels

Level I: 0% - 30%

Low cost recovery levels (0%-30%) are appropriate under the following circumstances:

1. There is no intended relationship between the amount paid and benefit received. Almost all 'social service' programs fall into this category.
2. Collecting fees is not cost effective or will significantly impact the efficient delivery of the service.
3. There is no intent to limit the use (or entitlement to) the service. Again, most 'social service' programs fit into this category as well as many public safety services. Historically, access to neighborhood and community parks would also fit into this category.
4. The service is non-recurring, generally delivered on a 'peak-demand' basis, and is not readily available from a private sector source. Many public safety services also fall into this category.
5. Collecting fees would discourage compliance with regulatory requirements and adherence is primarily self-identified, and as such, failure to comply would not be readily detected by the City. Many small-scale licenses and permits fall into this category (hot water heaters, garage sale permits, etc.)
6. The public at large benefits even if they are not the direct users of the service.

Level II: 30% - 70%

Services with factors associated with both Level I and Level III cost recovery levels would be subsidized at a mid-level of cost recovery (30%-70%). See Level I and Level III sections of this Policy for a description of these factors.

Level III: 70% - 100%

Higher cost recovery levels (70%-100%) are appropriate under the following circumstances:

1. The service is similar to service provided through the private sector.
2. Other private or public sector alternatives could or do exist for the delivery of the service.
3. For equity or demand management purposes, it is intended that there be a direct relationship between the amount paid and the level and cost of the service received.
4. The use of the service is specifically discouraged. Police responses to disturbances or false alarms might fall into this category.
5. The service is regulatory in nature and voluntary compliance is not expected to be the primary method of detecting failure to meet regulatory requirements. Building permit, plan checks, and subdivision review fees for large projects would fall into this category.

**COUNCIL POLICY
CITY OF CHULA VISTA**

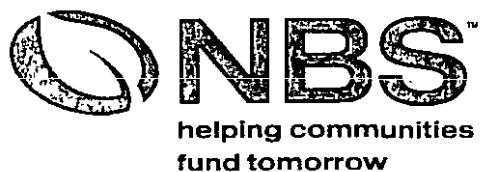
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| SUBJECT: Citywide Cost Recovery Policy | POLICY NUMBER | EFFECTIVE DATE | PAGE |
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| AMENDED BY: Resolution No. (date of resolution) | | | |

Target Cost Recovery Levels by Program

| SERVICE AREA / PROGRAM | TARGET COST RECOVERY | |
|---|----------------------|--------------|
| General Government | | |
| City Clerk Fees | III | (70% - 100%) |
| Information Technology Fees | III | (70% - 100%) |
| Finance Fees | II | (30% - 70%) |
| Special Events/Block Parties/Filming | II | (30% - 70%) |
| Public Safety | | |
| Animal Control Fees | I | (0% - 30%) |
| Police Department Fees | III | (70% - 100%) |
| Fire Department Fees, operational permits | II | (30% - 70%) |
| Fire Department Fees, construction permits | III | (70% - 100%) |
| Parking Fees | II | (30% - 70%) |
| Community Services | | |
| Library Department Fees | I | (0% - 30%) |
| Recreation Department Fees | II | (30% - 70%) |
| Development Services | | |
| Building Fees, except subsidized permits ¹ | III | (70% - 100%) |
| Building Fees, subsidized permits ¹ | II | (30% - 70%) |
| Engineering Fees | III | (70% - 100%) |
| Planning Fees, except subsidized permits ² | III | (70% - 100%) |
| Planning Fees, subsidized permits ² | II | (30% - 70%) |
| Sewer Fees | | |
| Construction & Connection | III | (70% - 100%) |
| Sewer Service | III | (70% - 100%) |

¹ Subsidized Building permits include photovoltaic systems and water heater and gas line replacements.

² Subsidized Planning permits include Large Family Daycare, Historic Designation, and Mills Act Status.



City of Chula Vista

**Cost of Service Study of User and Regulatory Fees
Selected Departments - Part I**

December 6, 2013

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32605 Temecula Parkway, Suite 100
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Appendices**A: Fully Burdened Hourly Rate Analysis**

Animal Care

Appendix A.1

Library

Appendix A.2

Police

Appendix A.3

Fire

Appendix A.4

B: Cost of Service Analysis

Animal Care

Appendix B.1

Library

Appendix B.2

Police

Appendix B.3

Fire

Appendix B.4

C: Comparative Fee Survey

Appendix C

Animal Care

Appendix C.1

Library

Appendix C.2

Police

Appendix C.3

Fire

Appendix C.4

Section 1 - Executive Summary

Purpose

The purpose of this report is to describe the findings and recommendations of the *Cost of Service Study of User and Regulatory Fees* performed by NBS for the City of Chula Vista.

The City's chief purposes in conducting the Cost of Service Study of User and Regulatory Fees is to ensure that existing fees are calibrated to the costs of service, and to provide an opportunity for the City Council to optimize its revenue sources, provided that any increased cost recovery from user fees and regulatory fees would not conflict with broader City goals and values.

It is generally accepted in California that cities are granted the authority to impose user fees and regulatory fees for services and activities they provide through provisions of the State Constitution. First, cities are granted the ability to perform broad activities related to their local policing power and other service authority as defined in Article XI, Sections 7 and 9. Second, cities are granted the ability to establish fees for service through the framework defined in Article XIII B, Section 8. Under this latter framework, a fee may not exceed the estimated reasonable cost of providing the service or performing the activity. For a fee to qualify as such, it must relate to a service or activity under the control of the individual/entity on which the fee is imposed. For example, the individual/entity requests service of the municipality or his or her actions specifically cause the municipality to perform additional activities. In this manner, the service or the underlying action causing the municipality to perform service is either discretionary and/or is subject to regulation. As a discretionary service or regulatory activity, the user fees and regulatory fees considered in this study fall outside requirements that must otherwise be followed by the City to impose taxes, special taxes, or fees imposed as incidences of property ownership.

Outcomes – Cost of Service Study of User and Regulatory Fees

This cost of service study examined user and regulatory fees managed by the City departments and programs shown in the table below. The study identified approximately \$859,000 currently collected per year from fees for service, versus, \$3.7 million eligible for recovery from fees for service. The following table provides a summary of results by department or division studied:

| Fee Category | Annual Estimated Revenues at Current Fee | Annual Estimated Revenues at Full Cost Recovery Fee | Annual Cost Recovery Surplus / Deficit | Existing Cost Recovery Percentage |
|--------------|--|---|--|-----------------------------------|
| Animal Care | \$ 452,000 | \$ 2,560,000 | \$ (2,108,000) | 18% |
| Library | \$ 1,380 | \$ 4,000 | \$ (2,620) | 35% |
| Police | \$ 406,000 | \$ 585,000 | \$ (179,000) | 69% |
| Fire | \$ - | \$ 523,000 | \$ (523,000) | 0% |
| Total | \$ 859,380 | \$ 3,672,000 | \$ (2,812,620) | 23% |

Figures in the table above have been rounded to the nearest thousand dollar increment, for ease of discussion and reporting purposes. These estimates are calculated based on average cost per activity and annual activity volumes, and do not tie exactly to actual or future revenues earned. As shown, the

City is recovering approximately 23% of costs associated with providing user and regulatory fee related services. Should the City Council decide to adopt a policy of 100% recovery for all fees included in the report, approximately \$2.8 million in additional costs could be recovered, assuming no change in the annual volume of fee related services provided.

However, as discussed in Section 1 of this report, there are many economic, political, and behavioral reasons a city's staff or policy makers would not recommend or adopt fees at 100% of their costs. For these reasons, City staff made an initial effort to incorporate past cost recovery policy direction through providing "recommended fee" input for each Department studied.

At recommended fee levels, the study identified a cost recovery target of approximately \$2.9 million. The following table provides a summary of recommended fee revenue impacts discussed in this report:

| Fee Category | Annual Estimated Revenues at Current Fee | Annual Estimated Revenues at Full Cost Recovery Fee | Existing Cost Recovery Percentage | Estimated Annual Recommended Fee Revenue | Revised Cost Recovery % |
|--------------|--|---|-----------------------------------|--|-------------------------|
| Animal Care | \$ 452,000 | \$ 2,560,000 | 18% | \$ 1,802,000 | 70% |
| Library | \$ 1,380 | \$ 4,000 | 35% | \$ 2,000 | 50% |
| Police | \$ 406,000 | \$ 585,000 | 69% | \$ 483,000 | 83% |
| Fire | \$ - | \$ 523,000 | 0.00% | \$ 523,000 | 100% |
| Total | \$ 859,380 | \$ 3,672,000 | 23% | \$ 2,810,000 | 77% |

At recommended fee levels, the City would recover approximately 77% of costs associated with providing user and regulatory fee related services. Should the City Council decide to adopt a policy of reflecting the recommended fee levels in this report, approximately \$1.95 million in additional costs would be recovered, assuming no change in the annual volume of fee related services provided.

Report Format

This report documents the analytical methods and data sources used throughout the study, presents analytical results regarding current levels of cost recovery achieved from user and regulatory fees, and provides a comparative survey of fees imposed by neighboring agencies for similar services.

- Sections 1 through 5 discuss the approach to and results of the Cost of Service Study of User and Regulatory Fees, segmented by category of fee and/or department.
- Section 6 provides the grand scope conclusions of the analysis provided in the preceding sections.
- Appendices A through C to this report include detailed cost of service analytical results for each department or division studied and a comparison of fees to surrounding agencies.

Please consult the City's staff report for the proposed Master Fee Schedule document, which is based on the recommendations contained within this report.

Section 1 – Cost of Service Study of User and Regulatory Fees

Introduction

The purpose of this report is to describe the findings and recommendations of the Cost of Service Study performed by NBS to update and establish user fees and regulatory fees for the City of Chula Vista, California.

It is generally accepted in California that cities are granted the authority to impose these user fees and regulatory fees for services and activities they provide through provisions of the State Constitution. First, cities are granted the ability to perform broad activities related to their local policing power and other service authority as defined in Article XI, Sections 7 and 9. Second, cities are granted the ability to establish fees for service through the framework defined in Article XIII B, Section 8. Under this latter framework, a fee may not exceed the estimated reasonable cost of providing the service or performing the activity. For a fee to qualify as such, it must relate to a service or activity under the control of the individual/entity on which the fee is imposed. For example, the individual/entity requests service of the municipality or his or her actions specifically cause the municipality to perform additional activities. In this manner, the service or the underlying action causing the municipality to perform activities is discretionary. As a discretionary service or activity, the individual/entity can avoid the fee. Therefore, the user fees and regulatory fees considered in this study fall outside requirements that must otherwise be followed by the City to impose taxes, special taxes, or fees imposed as incidences of property ownership.

The City's chief purposes in conducting this study were to ensure that existing fees were calibrated to the costs of service and to provide an opportunity for the City Council to optimize its revenue sources, provided that any increased cost recovery from user fees and regulatory fees would not conflict with broader City goals and values.

The following sections of this report document the analytical methods and data sources used throughout the study, and present recommended cost recovery targets from fees. Appendices to this report include:

- Complete cost of service analysis for each department studied
- Summary of the increase or decrease of each recommended fee amount over the City's current fee amount
- Comparative fee survey of Chula Vista' fees to other agencies

Scope of Study

The following categories of fees were examined in this study:

- Animal Care services fees, including:
 - Dog Licenses
 - Animal Adoption
 - Animal Impound & Relinquishment
 - Vaccinations and Veterinary Fees
- General Library fees, including:
 - Library Cards

- Books
- Local History Collection
- Other Services (Test Proctoring, Research)
- Police fees, including:
 - Records and Documents
 - Processing
 - Bicycle Licenses
 - Property Recovery
 - Vehicle Impound
 - Hotel and Motel permitting
 - Emergency Response
 - Business Regulatory Permits
- Fire fees for the emergency response cost recovery program

To review the complete list of individual fees included in this study, refer to Appendix B, which provides the complete Cost of Service Analysis and Recommended Fee levels for the City.

The fees examined in this study specifically excluded fees subject to Proposition 218 requirements and development impact fees. Additionally, this study and the resultant master fee schedule excluded most of the fines and penalties that may be imposed by the City for violations to its requirements or code. The City is not limited to the costs of service when imposing fines and penalties

Methods of Analysis

There were three primary phases of analysis used throughout this Cost of Service Study:

- 1) Cost of service analysis
- 2) Fee establishment
- 3) Cost recovery evaluation

Cost of Service Analysis

A cost of service analysis is a quantitative effort which compiles the full cost of providing governmental services and activities. There are two primary types of costs considered: direct and indirect costs.

- **Direct costs** are those which specifically relate to the activity in question, including the real-time provision of the service.
- **Indirect costs** are those which support the provision of services but cannot be directly or easily assigned to the activity in question.

An example of a direct cost is the salary and benefit expense associated with an individual performing a service. In the same example, an indirect cost would include the expenses incurred to provide an office and equipment for that individual to perform his or her duties, including (but not exclusive to) the provision of the service in question.

In this Study, direct and indirect costs are further broken down into components of the full cost of service, described as follows:

- **Labor costs** – These are the salary/wage and benefits expenses for City personnel specifically involved in the provision of services and activities to the public.
- **Indirect labor costs** – These are the salary/wage and benefits expenses for City personnel supporting the provision of services and activities. This can include line supervision and departmental management, administrative support within a department, and staff involved in technical activities related to the direct services provided to the public.
- **Specific direct non-labor costs** – These are discrete expenses incurred by the City due to a specific service or activity performed, such as contractor costs, third-party charges, and very specific materials used in the service or activity. (In most fee types, this component is not used, as it is very difficult to directly assign most non-labor costs at the activity level.)
- **Allocated indirect non-labor costs** – These are expenses other than labor for the departments involved in the provision of services. In most cases, these costs are allocated across all services provided by a department, rather than directly assigned to fee categories.
- **Allocated indirect organization-wide overhead** – These are expenses, both labor and non-labor, related to the City's organization-wide support services. The amount of costs attributable to each fee program included in this study was developed by the City through their internally prepared Cost Allocation Plan for Fiscal Year 2011-12.

These cost components are expressed using annual (or annualized) figures, representing a twelve-month cycle of expenses incurred by the City in the provision of all relevant services and activities.

Nearly all of the fees under review in this study require specific actions on the part of City staff to provide the service or conduct the activity. Because labor is an underlying factor in these activities, the full cost of service is appropriately expressed as a fully burdened cost per available labor hour. This labor rate is expressed as an individual composite rate for each program included in the fee study, and serves as the basis for further quantifying the average full cost of providing individual services and activities.

To derive the fully burdened labor rate for any program, two figures are required: the full costs of service and the number of hours available to perform those services. The full costs of service are quantified

generally through the earlier steps described in this analysis. The number of hours is derived from a complete listing of all personnel employed by the City and reflected in the labor expenses embedded in the full cost of service.

Each City employee is assigned a full-time equivalent factor. An employee working full-time has a factor of 1.0; an employee working exactly half-time has a factor of 0.5. A full-time employee is paid for roughly 2,080 hours per year of regular time. Using this as an initial benchmark of labor time, each employee's full-time equivalent factor is applied to this amount of hours to generate the total number of regular paid hours in each departmental program. Next, each employee's annual paid leave hours are approximated and removed from the total number of regular paid hours to generate the total number of available labor hours in each departmental program. These available hours represent the amount of productive time during which services and activities can be performed.

The productive labor hours are divided into the annual full costs of service to derive a composite fully burdened labor rate for each departmental program. This schedule of composite labor rates is used in this Fee Study to quantify costs at an individual fee level. It should be noted, however, that the composite labor rates may also be used by the City for other purposes when the need arises to calculate the full cost of general services. For nearly all services and activities in a governmental agency – not just those reflected in a fee schedule – labor time is the most accessible and reasonable underlying variable.

Once fully burdened labor rates are developed, they are used at the individual fee level to estimate an average full cost of providing each service or activity. For most departments studied, this step required development of staff time estimates for the services and activities listed in the master fee schedule. In a few of the departments studied, the City's time tracking records identified the estimated time required to perform an individual request for service. Interviews and questionnaires develop the necessary data sets describing estimated or tracked labor time. In most cases, departments estimate the average amount of time (in minutes and hours) it takes to complete a typical occurrence of each service or activity considered. Every attempt is made to ensure that each department having a direct role in the provision of each service or activity provides a time estimate.

Development of time estimates is not a one-step process: estimates received are carefully reviewed by both consultant and management to assess the reasonableness of such estimates. Based on this review, time estimates are reconsidered until all parties agree that they reasonably reflect average workload at the City. Once finalized, staff time estimates are applied to the fully burdened labor rate for each departmental program to yield an average full cost of the service or activity.

The average full cost of service was just that: an average cost at the individual fee level. The City does not currently have the systems in place to impose fees for every service or activity based on the actual amount of time it takes to serve each individual. Moreover, such an approach is almost universally infeasible without significant – if not unreasonable – investments in costly technology. Much of the City's fee schedule is composed of flat fees, which by definition, are linked to an average cost of service. Thus, use of this average cost method was the predominant approach in proceeding toward a schedule of revised fees. Flat fee structures based on average costs of service are widely applied among other California municipalities, and it is a generally accepted approach.

The above-described steps were used for each department to describe the costs of general services, including those activities related to an existing or newly considered fee. For several subsets of fees, some deviations in analytical methods were taken to provide supplemental information in defining the full costs of services.

The complete cost of service analysis developed for each department or division considered in this study are discussed in the subsequent chapters and appendices of this report.

Fee Establishment

Calculating fees during this study includes a range of fee structure evaluation activities, described below:

- **Addition to and deletion of fees imposed** – The study process provides each department the opportunity to propose additions and deletions to their fee schedules, as well as rename, reorganize, and clarify fees imposed. Many such revisions were performed to better conform fees to current practices, as well as improve the calculation of fees owed by an individual, the application of said fees, and the collection of revenues. In other words, as staff is more knowledgeable and comfortable working with the fee schedule, the accuracy achieved in both imposing fees on users and collecting revenues for the City is greater. Beyond this, some additions to the fee schedule were simply identification of existing services or activities performed by City staff for which no fee was imposed.
- **Revision to the structure of fees** – In most cases, the current structure of fees was sustained; the level of the fee was simply recalibrated to match the costs of service and targeted cost recovery level. In several cases, however, the manner in which a fee is imposed on a user was changed. In the majority of cases in which this was done, the primary objective was to simplify the fee structure, or increase the likelihood that the full cost of service would be recovered.

Proposed fees, if other than the full cost recovery amount established through this analysis, are summarized in each subsequent section of this report, and further detailed and presented in the report's Appendices.

Cost Recovery Evaluation

Current levels of cost recovery from existing fee revenues were stated simply by comparing the existing fee for each service or activity – if a fee was imposed – to the average full cost of service quantified through this analysis. Cost recovery was expressed as a percentage of the full cost. A cost recovery rate of 0% means no costs are recovered from fee revenues. A rate of 100% means that the full cost of service is recovered from the fee. A rate between 0% and 100% indicated partial recovery of the full cost of service through fees. A rate greater than 100% means that the fee exceeded the full cost of service.

User fees and regulatory fees examined in this study should not exceed the full cost of service. In other words, the cost recovery rate achieved by a fee should not be greater than 100%. In most cases, imposing a fee above this threshold could require the consensus of the voters.

Determining the targeted level of cost recovery for a new or increased fee is not an analytical exercise. Instead, targets reflect agency-specific judgments linked to a variety of factors, such as existing City policies, agency-wide or departmental revenue objectives, economic goals, community values, market conditions, level of demand, practicality of collection, and others.

A general means of selecting an appropriate cost recovery target is to consider the public and private benefits of the service or activity in question. To what degree does the public at large benefit from the service? To what degree does the individual or entity requesting, requiring, or causing the service

benefit? When a service or activity completely benefits the public at large, it can be argued reasonably that there should be no cost recovery from fees (i.e., 0% cost recovery); that a truly public-benefit service is best funded by the general resources of the City, such as discretionary General Fund revenues (e.g., taxes). Conversely, when a service or activity only benefits an individual or entity, it can be argued reasonably that 100% of the cost should be recovered from fees collected from the individual or entity. An example of a completely private benefit service may be a request for exemption from a City regulation or process.

Under this approach, it is often found that many governmental services and activities fall somewhere between these two extremes, which is to say that most activities have a mixed benefit. In the majority of those cases, the initial cost recovery level targeted may attempt to reflect that mixed public and private benefit. For example, an activity that seems to have a 40% private benefit and a 60% public benefit would yield a cost recovery target from fees of 40%. An example of a mixed benefit service may be the review and approval of private work that would affect the public right-of-way; the City's involvement allows the private work to proceed while protecting the safety in and access to the area by the general public.

In some cases, a strict public-versus-private benefit judgment may not be sufficient to finalize a cost recovery target. Any of the following other factors and considerations may influence exclusively or supplement the public/private benefit of a service or activity:

- If optimizing revenue potential is an overriding goal, is it feasible to recover the full cost of service?
- Will increasing fees result in non-compliance or public safety problems?
- Are there desired behaviors or modifications to behaviors of the service population that could be helped or hindered through the degree of pricing for the activities?
- Could fee increases adversely affect City goals, priorities, or values?

For specific subsets of City fees, even more specific questions may influence ultimate cost recovery targets:

- Does current demand for services support a fee increase without adverse impact to the citizenry served or current revenue levels? (In other words, would fee increases have the unintended consequence of driving away the population served?)
- Is there a good policy basis for differentiating between type of users (e.g., residents and non-residents, residential and commercial, non-profit entities and business entities)?
- Are there broader City objectives that inform a less than full cost recovery target from fees, such as economic development goals and local social values?

Because this element of the study is subjective –the consultant in charge of the analytical outcomes of this study has provided the full cost of service information and the framework for considering fees, while those closest to the fee-paying population – the City departments – have considered appropriate cost recovery levels at or below that full cost. Consult the Appendices of this report for a presentation of calculations of the full cost of service, recommended fee levels, as well as the percentage change between the City's current and recommended fees.

Comparative Fee Survey

Results of a Comparative Fee Survey for the City of Chula Vista are available as an appendix to this report. NBS worked with the City to identify relevant comparative agencies for each department studied.

Often policy makers request a comparison of their jurisdiction's fees to surrounding communities or similar scopes of operations. The purpose of a comparison is to provide a sense of the local market pricing for services, and to use that information to gauge the impact of recommendations for fee adjustments proposed by the consultant's report and staff recommendations.

Comparative fee surveys do not, however, provide information about the cost recovery policies or procedures inherent in each comparison agency. A "market based" decision to price services at below the cost of service analysis results shown for the City of Chula Vista, is the same as making a decision to subsidize that service. Comparative agencies may or may not base their fee amounts on the estimated and reasonable cost of providing services.

This comparison to other cities integrates Chula Vista's restructured fee schedule, and also adapts existing fee amounts to the new structure. The survey compares average current fee amounts to those of other surveyed agencies to provide information on how the City currently compares, before action to increase or decrease fees for service are taken.

Data Sources

The following City-published data sources were used to support the cost of service analysis and fee establishment phases of this study:

- The City of Chula Vista's Adopted Budget for Fiscal Years 2013-14.
- A complete listing of all City personnel, salary/wage rates, regular hours, paid benefits, and paid leave amounts – provided by the Finance Department.
- Various correspondences with the City staff supporting the adopted budgets and current fees, including budget notes and expenditure detail not shown in the published document.
- Prevailing fee schedules provided by each involved department.
- Time tracking data per project, whenever available.

The City's adopted budget is the most significant source of information affecting cost of service results. It should be noted that consultant did not conduct separate efforts to audit or validate the City's financial management and budget practices, nor was cost information adjusted to reflect different levels of service or any specific, targeted performance benchmarks. This study has accepted the City's budget as a legislatively adopted directive describing the most appropriate and reasonable level of City spending. Consultants accept the City Council's deliberative process and ultimate acceptance of the budget plan and further assert that through that legislative process, the City has yielded a reasonable expenditure plan, valid for use in setting cost-based fees.

Beyond data published by the City, original data sets were also developed to support the work of this study: primarily, estimated staff time at various levels of detail. To develop these data sets, consultants prepared questionnaires and conducted meetings and interviews with individual departments. In the fee

establishment phase of the analysis, departmental staff provided estimates of average time spent providing a service or activity corresponding with an existing or new fee. Consultants and departmental management reviewed and questioned responses to ensure the best possible set of estimates.

The final sets of labor time estimates used in this study are reflected throughout the cost of service analysis included in the appendices to this report.

Section 2 – Animal Care

Many activities and services provided by Chula Vista's Animal Care Department are not recoverable via user or regulatory fees, such as ongoing patrol and complaint response services. The scope of analysis reviewed various fees associated with licensing, impound and relinquishment, and veterinary services.

Cost of Service Analysis

NBS developed a composite fully-burdened blended hourly rate for the Animal Care Department, summarized in the table below:

| <u>Expenditure Type</u> | | Direct Services and Activities |
|-------------------------------------|--|--------------------------------|
| Labor | | \$ 1,798,209 |
| Recurring Non-Labor | | \$ 593,031 |
| Total Indirect Overhead | | \$ 440,845 |
| Allocated Common Activities | | \$ 77,621 |
| Department Total | | \$ 2,909,706 |
| Fully Burdened Hourly Rate | | \$ 76.64 |
| <i>Rate Basis: Productive Hours</i> | | 37,964 |

Please consult Appendix A.1 for more information on the calculation of the above rate.

Fee Establishment and Cost Recovery Evaluation

Appendix B.1 presents the results of the detailed cost recovery analysis for fee recoverable services. The "Cost of Service per Activity" column establishes the legal maximum at which a fee could be charged for the corresponding service identified in the "Fee Activity" list.

The following table provides a summary of results for the Animal Care Department:

| Fee Category | Annual Estimated Revenues at Current Fee | Annual Estimated Revenues at Full Cost Recovery Fee | Existing Cost Recovery Percentage | Estimated Annual Recommended Fee Revenue | Revised Cost Recovery % |
|--------------|--|---|-----------------------------------|--|-------------------------|
| Animal Care | \$ 452,000 | \$ 2,560,000 | 18% | \$ 1,802,000 | 70% |

The Animal Care Department collects approximately \$452,000 in fee related revenue per year, at project activity levels assumed for the most recent complete fiscal year. If the City were to implement each fee level at the calculated "Cost of Service per Activity" amount, approximately \$2.56 million per year in costs could be recovered, assuming no change in the annual volume of fee related services provided. When annual current fee revenue is compared to the total cost of providing services, the Department's fees currently recover approximately 18% of eligible costs.

It is common for many Animal Care fees to be either capped by the State, or set below the maximum full cost recovery amount established through a user and regulatory fee study. The consultant in charge of the analytical outcomes of this study has provided the full cost of service information and the framework

for considering fees, while those closest to the fee-paying population – the City departments –considered appropriate cost recovery levels at or below that full cost. If fees were adopted at the “Recommended Fee Level” shown in Appendix B.1, approximately \$1.8 million per year in costs would be recovered, and the Departments fees would recover approximately 70% of eligible costs.

Section 3 – Library

Most activities and services provided by Chula Vista's Library Department are not recoverable via user or regulatory fees. The scope of this user and regulatory fee analysis for the Library Department focused solely on various administrative processing fees.

Cost of Service Analysis

For the Library Department, fees were calculated following fully-burdened labor rates that were derived for several specific categories of personnel. This was performed uniquely for this Department, in order to conform to the manner in which it examines and understands its own provision of services and activities. It is simply an alternate methodology that allowed the Department to better participate in the Fee Establishment phase of the analysis.

The table below illustrates the fully-burdened hourly rate for labor performed by personnel in the Library Department:

| <u>Expenditure Type</u> | | Direct Services and Activities - City Staff Rate | Direct Services and Activities - Hourly Staff Rate | Direct Services and Activities - Total All Staff |
|-----------------------------------|--|--|--|--|
| Labor | | \$ 1,382,506 | \$ 526,448 | \$ 1,908,954 |
| Recurring Non-Labor | | \$ 293,956 | \$ 115,924 | \$ 409,880 |
| Citywide Overhead | | \$ 328,854 | \$ 125,225 | \$ 454,080 |
| Allocated Common Activities | | \$ 717,231 | \$ 274,543 | \$ 991,774 |
| Department Total | | \$ 2,722,548 | \$ 1,042,140 | \$ 3,764,688 |
| Fully Burdened Hourly Rate | | \$ 119.74 | \$ 30.49 | \$ 150.23 |
| Rate Basis: Productive Hours | | 22,737 | 34,184 | 56,922 |

Appendix A.2 to this report contains additional detail regarding calculation of the Department's fully-burdened hourly rates.

Fee Establishment and Cost Recovery Evaluation

Appendix B.2 presents the results of the detailed cost recovery analysis for fee recoverable services. The "Cost of Service per Activity" column establishes the legal maximum at which a fee could be charged for the corresponding service identified in the "Fee Activity" list.

The following table provides a summary of results for the Library Department:

| Fee Category | Annual Estimated Revenues at Current Fee | Annual Estimated Revenues at Full Cost Recovery Fee | Existing Cost Recovery Percentage | Estimated Annual Recommended Fee Revenue | Revised Cost Recovery % |
|--------------|--|---|-----------------------------------|--|-------------------------|
| Library | \$ 1,380 | \$ 4,000 | 35% | \$ 2,000 | 50% |

The Library collects approximately \$1,400 in fee related revenue per year, at project activity levels assumed near the most recent complete fiscal year. If the City were to implement each fee level at the calculated "Cost of Service per Activity" amount, approximately \$4,000 per year in costs could be recovered. When annual current fee revenue is compared to the total cost of providing services, the Division's fees currently recover approximately 35% of eligible costs.

NBS provided the full cost of service information and the framework for considering fees, while those closest to the fee-paying population – the City departments – have considered appropriate cost recovery levels at or below that full cost. Section 1 of this report may be referenced for cost recovery evaluation guidelines. The Library Department recommends a range of cost recovery for services studied. For Non-California Resident Library Cards, cost recovery of nearly 100% is recommended. Cost recovery for all other services considered in the current fee study ranges from 20% to 50%. When annual recommended fee revenue is compared to the total cost of providing services, the Department would recover an additional \$600 per year, or approximately 50% of eligible costs. It should be noted that several new fee items added during the Study's process are not included in projections of recommended fee revenue above.

Section 4 - Police

The scope of this user and regulatory fee analysis for Police focused solely on various administrative processing fees, business regulatory fees, alarm permitting, and false alarm response activities.

Cost of Service Analysis

For the Police Department, fees were calculated following fully-burdened labor rates that were derived for several specific categories of personnel. This was performed uniquely for this Department, in order to conform to the manner in which it examines and understands its own provision of services and activities. It is simply an alternate methodology that allowed the Department to better participate in the Fee Establishment phase of the analysis.

The table below illustrates the fully-burdened hourly rate for labor performed by personnel in the Police Department:

| Expenditure Type | Sworn - Direct Activities | Non-Sworn - Direct Activities |
|------------------------------------|---------------------------|-------------------------------|
| Labor Costs | \$ 28,961,532 | \$ 2,628,566 |
| Non-Labor Costs | \$ 1,794,409 | \$ 162,862 |
| Citywide Overhead | \$ 4,240,570 | \$ 384,877 |
| Department and Divisional Overhead | \$ 8,392,561 | \$ 761,714 |
| Department Total | \$ 43,389,072 | \$ 3,938,018 |
| Fully Burdened Hourly Rate | \$ 155.06 | \$ 71.12 |
| Rate Basis: Productive Hours | 279,819 | 55,368 |

Appendix A.3 to this report contains additional detail regarding calculation of the Department's fully-burdened hourly rates.

Fee Establishment and Cost Recovery Evaluation

Appendix B.3 presents the results of the detailed cost recovery analysis for fee recoverable services. The "Cost of Service per Activity" column establishes the legal maximum at which a fee could be charged for the corresponding service identified in the "Fee Activity" list.

The following table provides a summary of results for the Police Department:

| Fee Category | Annual Estimated Revenues at Current Fee | Annual Estimated Revenues at Full Cost Recovery Fee | Existing Cost Recovery Percentage | Estimated Annual Recommended Fee Revenue | Revised Cost Recovery % |
|--------------|--|---|-----------------------------------|--|-------------------------|
| Police | \$ 406,000 | \$ 585,000 | 69% | \$ 483,000 | 83% |

Appendix B.3 presents the results of the detailed cost recovery analysis for fee recoverable services. The "Cost of Service per Activity" column establishes the maximum at which a fee could potentially be

charged for the corresponding service identified in the "Fee Activity" list. When the Cost of Service per Activity is compared to the "Current Fee" amount, most fee items for the Police Department generally under recover their costs, are subject to a limited fee set by the State, or are limited to a "copy charge" fee. Some Department fee activities show a recovery of more than the established "Cost of Service per Activity" amount. This is a typical outcome of any fee analysis.

The Police Department generates approximately \$406,000 in fee related revenue per year for the activities included in this study, at project activity levels assumed for the most recent complete fiscal year. If the City were to implement each fee level at the calculated "Cost of Service per Activity" amount, approximately \$585,000 per year in costs could be recovered. When annual current fee revenue is compared to the total cost of providing services, the Division's fees currently recover approximately 69% of eligible costs.

NBS provided the full cost of service information and the framework for considering fees, while those closest to the fee-paying population – the City departments – have considered appropriate cost recovery levels at or below that full cost. Section 1 of this report may be referenced for cost recovery evaluation guidelines. The Police Department recommends 100% cost recovery for all services studied. When annual recommended fee revenue is compared to the total cost of providing services, the Department would recover an additional \$77,000 per year, or approximately 83% of eligible costs.

Section 5 - Fire

The scope of this user and regulatory fee analysis for Fire focused solely on the Department's emergency response cost recovery program.

Cost of Service Analysis

For the Fire Department, a single blended fully-burdened labor rate was calculated for the Suppression Division. This was performed uniquely for this Department, in order to conform to the manner in which it examines and understands its own provision of services and activities. The table below illustrates the fully-burdened hourly rate the Department. As shown, the resulting fully burdened rate for one (1) full time equivalent in Suppression was then translated into various "company rates".

| <u>Expenditure Type</u> | <u>Direct Services and Activities</u> |
|--|---------------------------------------|
| Labor | \$ 16,852,279 |
| Recurring Non-Labor | \$ 949,364 |
| Departmental and Citywide Overhead | \$ 3,518,499 |
| Allocated Common Activities | \$ 1,306,972 |
| Division Total | \$ 22,627,114 |
| Fully Burdened Hourly Rate - (Blended 1 FTE) | \$ 145 |
| Fully Burdened Hourly Rate - Engine Company (3 FTE) | \$ 436 |
| Fully Burdened Hourly Rate - Truck / USAR Company (4 FTE) | \$ 582 |
| Reference: Direct Hours Only | 155,605 |

Appendix A.4 to this report contains additional detail regarding calculation of the Department's fully-burdened hourly rates.

Fee Establishment and Cost Recovery Evaluation

Appendix B.4 presents the results of the detailed cost recovery analysis for fee recoverable services. The "Cost of Service per Activity" column establishes the legal maximum at which a fee could be charged for the corresponding service identified in the "Fee Activity" list.

The following table provides a summary of results for the Fire Department:

| Fee Category | Annual Estimated Revenues at Current Fee | Annual Estimated Revenues at Full Cost Recovery Fee | Existing Cost Recovery Percentage | Estimated Annual Recommended Fee Revenue | Revised Cost Recovery % |
|--------------|--|---|-----------------------------------|--|-------------------------|
| Fire | \$ - | \$ 523,000 | 0.00% | \$ 523,000 | 100% |

In Appendix B.4, the "Cost of Service per Activity" column establishes the maximum at which a fee could potentially be charged for the corresponding service identified in the "Fee Activity" list. For the Fire Department, existing fees for emergency response either did not exist prior to this study, or were not directly translatable into the format of this analysis. As such, if the City were to implement each fee level at the calculated "Cost of Service per Activity" amount, approximately \$523,000 per year in costs could be recovered.

Section 6 – Conclusion

Based on the cost of service analysis, cost recovery evaluation, and fee establishment phases of analysis in this study, the proposed master schedule of fees formatted for implementation has been prepared and included by City staff as an attachment to their Staff Report.

As discussed throughout this report, the proposed fee schedule includes fee increases intended to greatly improve the City's recovery of costs incurred to provide individual services, as well as to adjust fees downward where fees charge exceed the average costs incurred.

Predicting the amount to which any adopted fee increases will affect City revenues is difficult to quantify. For the near-term, the City should not count on increased revenues to meet any specific expenditure plan. Experience with these fee increases should be gained first before revenue projections are revised. However, unless there is some significant, long-term change in activity levels at the City, proposed fee amendments should – over time – enhance the City's revenue capabilities, providing it the ability to stretch other resources further for the benefit of the public at large.

The City's Master Fee Schedule is already a living document and should be handled with care:

- A fundamental purpose of the fee schedule is to provide clarity and transparency to the public and to staff regarding fees imposed by the City. Once adopted by the Council, the fee schedule is the final word on the amount and manner in which fees should be imposed by the departments. Old fee schedules should be superseded by the new master document. If the master document is found to be missing fees, those fees need eventually to be added to the master schedule and should not continue to exist outside the consolidated, master framework.
- The City should consider adjusting these user fees and regulatory fees on an annual basis to keep pace at least with cost inflation. For all fees and charges, the City could use a either Consumer Price Index adjustment or a percentage of Labor Cost increase, and that practice would be well applied to the new fee schedule. Conducting a comprehensive user fee study is not an annual requirement; it becomes worthwhile only over time as significant shifts in organization, local practices, legislative values, or legal requirements change. In NBS' experience, a comprehensive analysis such as this should be performed every three to five years. It should be noted that when an automatic adjustment is applied annually, the City is free to use its discretion in applying the adjustment; not all fees need to be adjusted, especially when there are good policy reasons for an alternate course. The full cost of service is the City's only limit in setting its fees.

As a final note in this study, it is worth acknowledging the path that fees in general have taken in California. The public demands ever more precise and equitable accounting of the basis for governmental fees and a greater say in when and how they are imposed. It is inevitable in the not too distant future that user fees and regulatory fees will demand an even greater level of analysis and supporting data to meet the public's evolving expectations. Technology systems will play an increased and significant role in an agency's ability to accomplish this. Continuous improvement and refinement of time tracking abilities will greatly enhance the City's ability to set fees for service and identify unfunded activities in years to come.



MASTER FEE SCHEDULE

Chapter 3 – Animal Control Fees

General Animal Control Fees

City of Chula Vista Animal Care Facility
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

3-100

DOG LICENSES

For all licenses, the license period cannot exceed the expiration date of the rabies vaccination.

Eligibility for the reduced 'Altered' fees detailed below requires presentation of a certificate from a licensed veterinarian or receipt of an affidavit stating that the dog has been spayed or neutered.

1. Purchase of license, 1 year

| | |
|-----------------|--------|
| Altered | \$1220 |
| Unaltered | \$2532 |

2. Purchase of license, 3 years

| | |
|-----------------|--------|
| Altered | \$2320 |
| Unaltered | \$5032 |

3. Penalty for late application/payment, per occurrence

| | |
|-------------------------------|--------|
| Per application/payment | \$3.00 |
| 1-15 days delinquent | \$10 |
| 16-30 days delinquent | \$20 |
| >30 days delinquent | \$50 |

4. License Replacement, per replacement

| | |
|--------------------------------|--------|
| Processing fee in person | \$2.00 |
| Processing fee by mail | \$3.00 |
| Altered | \$10 |
| Unaltered | \$20 |

5. License Transfer, per transfer

| | |
|--------------------------------|--------|
| Per dog license transfer | \$5.00 |
| Altered | |
| Unaltered | \$20 |

All license fees apply in full to service dogs.

6. Microchip Service

| | |
|------------------------|------|
| Per chip implant | \$15 |
|------------------------|------|

SALE OF ANIMALS/ANIMAL ADOPTIONS

1. Shelter adoptions

| | |
|-----------------------------------|------------------|
| Dogs, younger than 7 years | \$75 |
| Cats, younger than 7 years | \$65 |
| Dogs/Cats, 7 years or older | \$35 |
| Rabbits | \$20 |
| Livestock | \$30 Actual cost |

| | |
|-------------------------------|--------|
| Birds/Poultry/Other | \$5.00 |
| Reptiles | \$10 |
| Rodents | \$5.00 |
| Other, except livestock | \$20 |

2. Off Site Adoptions

| | |
|---------------|------|
| Dogs | \$60 |
| Cats | \$50 |
| Rabbits | \$30 |

ANIMAL IMPOUND & RELINQUISHMENT

1. Impoundment

For the picking up, transporting and impounding of any animal including a dog, by the use of equipment, personnel and regular facilities maintained by the City, the city shall assess fees as shown below. Offenses shall be counted per owner/animal, not per animal owner (e.g. if a person has two dogs and each is picked up three times, the owner is guilty of six offenses).

| | |
|---|------------------|
| Dogs/eatsCats, first offense impound | \$2545 |
| Dogs/eatsCats, second offense impound | \$4560 |
| Dogs/eatsCats, third and subsequent offenses impounds | \$6575 |
| Rabbits | \$20 |
| Exotic/Livestock | Actual cost \$20 |
| Birds/poultry/Poultry | \$20 |
| Reptiles | \$20 |
| Rodents/rabbits | \$20 |
| Other, except livestock | \$20 |

2. Boarding of Impounded Animals, fee per day

| | |
|-------------------------------|------------------|
| Dogs/eatsCats | \$6.00 |
| Rabbits | \$6.00 |
| Livestock | Actual cost \$10 |
| Birds/Poultry | \$5.00 |
| Reptiles | \$6.00 |
| Rodents | \$5.00 |
| Other, except livestock | \$5.00 |
| Other small animals | \$5.00 |

3. Owner Relinquishments

| | |
|--------------------------------------|--------|
| Dogs/eats, with license | \$1575 |
| Dogs/eatsCats, without license | \$2560 |
| Dogs/eats, for euthanasia | \$15 |
| Dogs/Cats, litter | \$1575 |
| Rabbits | \$25 |

May
2010 December
2013

MASTER FEE SCHEDULE ■ FEE BULLETIN 3-100

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| | | |
|--|-------------|----------|
| Exotic/Livestock..... | Actual cost | \$45 |
| Birds/Poultry/Other small animals..... | | \$105.00 |
| Reptiles..... | | \$25 |
| Rodents..... | | \$10 |
| Other, except livestock..... | | \$10 |
| In field relinquishments..... | | \$3575 |

4. Returned to Owner (In Field Only)

| | | |
|------------------|--|--------|
| All animals..... | | \$2550 |
|------------------|--|--------|

VACCINATIONS & VETERINARY FEES

Services provided to in-house shelter animals only.

1. Vaccinations (Dogs and Cats Only)

| | | |
|--------------------|--|---------|
| Bordatella IN..... | | \$5.00 |
| Bordatella SO..... | | \$5.00 |
| FVRCP/DHLPP..... | | \$35.00 |
| HESKA..... | | \$5.00 |
| Rabies..... | | \$56.00 |

2. Veterinarian Fees

| | | |
|------------------------------------|-------------|--------|
| Bandage..... | | \$25 |
| Blood work..... | | \$25 |
| Cytology..... | | \$25 |
| Daily medication, per day..... | | \$6.00 |
| Dental..... | | \$75 |
| Derma Testing Medium (DTM)..... | | \$125 |
| Deworming..... | | \$5.00 |
| Exam..... | | \$1025 |
| Flea control..... | | \$5.00 |
| Fluids..... | | \$50 |
| Foxtail removed, non-surgical..... | | \$75 |
| Foxtail removed, surgical..... | | \$175 |
| General anesthesia..... | | \$150 |
| Daily medication, per day..... | | \$2.00 |
| Injectable medicine..... | | \$10 |
| Leukemia Test..... | | \$25 |
| Parvo Test..... | | \$35 |
| Pathology..... | Actual cost | |
| RVT Exam..... | | \$20 |
| Sedation..... | | \$75 |
| Skin scrape..... | | \$50 |
| Urinalysis..... | | \$25 |
| X-ray..... | | \$50 |
| Other veterinary services..... | Actual cost | |

OTHER FEES SERVICES

| | | |
|---|-------------|---------|
| Microchip, per chip implant..... | | \$1530 |
| Tranquilized animals..... | | \$3050 |
| Home quarantine..... | | \$30100 |
| In-shelter quarantine (10 days)..... | | \$175 |
| Grooming, humane..... | | \$75 |
| SNIP (Spay/Neuter Incentive Program)..... | | \$75 |
| Other activities, not specifically listed | | |
| herein..... | Actual cost | |
| Pathology..... | | \$45 |

4.1 Dangerous dog

Dangerous or potentially dangerous dog. Dangerous dog tag fee is in addition to the regular license fee.

| | | |
|---|--|--------|
| Dangerous dog hearing..... | | \$450 |
| Dangerous dog tag, annual/Per year..... | | \$3250 |

1. Other hearings

| | | |
|---------------------------|--|-------|
| Nuisance dog hearing..... | | \$450 |
| Barking dog hearing..... | | \$450 |

2. Euthanasia, at owner's request

| | | |
|-----------------------|--|------|
| Animal < 40 lbs..... | | \$35 |
| Animal >= 40 lbs..... | | \$50 |
| In field..... | | \$35 |
| Disposal..... | | \$19 |



City of Chula Vista Library Department
276 Fourth Avenue, Chula Vista, CA 91910

MASTER FEE SCHEDULE Chapter 5 – Library Fees General Library Fees

FEE BULLETIN

5-100

SERVICE FEES

1. Library Cards

California resident card no charge
Replacement/lost card \$2.00
Additional card \$2.00
Non-California resident card, annual \$20

2. Audio Visual, Insurance Charges

Video/DVD, annual \$20
Prorated charge, per quarter \$5.00

Video/DVD, per item option \$1.00

3. Books

Interlibrary loan, per item \$5.00
Book transfer, postage fee actual cost
(request from non-Serra Library)

4. Lost Items, valued at \$12.50 or more

Processing fee, in addition to retail price \$12.50

5. Proctoring service for distance learners
(written or computer based)

Per student, per test \$25

FINES

1. Overdue Charges

Books, per day, per item

Adults collection \$0.30
Children collection \$0.10

Other media, per day, per item

CD/compact disc and audio cassettes \$0.30
Video Tapes/DVDs/Blu-ray Discs \$1.00
Other electronic devices \$1.00

Chromebook, per device

Overdue 1-4 days, per day \$10
Overdue >4 days \$500

2. Audio Visual

Cassette rewinding, each \$1.00

LOCAL HISTORY COLLECTION FEES1. Reproduction fees (3rd party)

Per image actual cost (market value)

2. Photo use fees (image rights, one-time use)

Non-Commercial use, per image \$45
Commercial use, per image \$125

2.3 Photocopies made by staff

Per page \$0.25

3.4 Other Fees

Obituary research requesties \$525.00



City of Chula Vista Police Department
276 Fourth Avenue, Chula Vista, CA 91910

MASTER FEE SCHEDULE

Chapter 6 – Police Fees

General Police Fees

FEE BULLETIN

6-100

2013

RECORDS & DOCUMENTS

1. Accident Crime/Traffic Reports

1st page, per copy\$1.00
Each additional page\$0.10

Crime or traffic reports requested will be made available for pickup at the Police Department. Upon request from the applicant, the City may deliver the documents and records via mail or fax, subject to reimbursement to the City for actual costs incurred in delivery.

0

Mailed crime reports, per copy\$2.00
Photographs, per copy\$12

2. Record check-Check if Letter request,
each Per request\$2.0023

PROCESSING

1. Fingerprint Requests

Per rolling\$120

2. Live Scan Fingerprint Technology

Per rolling\$2018

3. Booking Fee

In accordance with California Government Code 29550.3, those individuals who are arrested by the Chula Vista Police Department and booked in the Chula Vista Police Department holding facility shall be subject to a Booking Fee if convicted of a crime as a result of the arrest by the Chula Vista Police Department.

Per Booking\$175155

4. Adult Arrest Record Sealing

Application, non-refundable\$70
Processing, if approved\$105

ALARMS

1. Alarm Use Permit

A nonrefundable fee shall accompany each application for an alarm user permit. All permits are subject to a renewal fee every twelve (12) months.

Application\$28.75
Renewal, annual\$28.75

2. False Alarm Assessment

When any emergency alarms, messages, signals, or notices are received by the Communications Center which results in a police response and in which the alarm proves to be a false alarm, the owner and/or occupier of the property shall pay a false alarm assessment to the City.

For all false alarms within a twelve (12) month period the following fees shall be charged:

First (1st) false alarm\$100
Second (2nd) false alarm\$200
Each additional false alarm\$500

Alarm permit holders may complete a false-alarm prevention class in-lieu of paying the first (1st) false alarm assessment. This option is available only once per permit holder.

3. Delinquent Payment Penalty

Users subject to the false alarm charge failing to submit payment shall be subject to both a basic penalty, and an additional penalty per month for non-payment of the false alarm charge and basic penalty.

Basic penalty, percent of false alarm charge10%
Monthly delinquency charge1.5%

November
December 2013

MASTER FEE SCHEDULE ■ FEE BULLETIN 6-100

Page 2 of 2

BICYCLE LICENSES

A license fee shall be paid in advance to the City before any such license is granted.

Renewals are valid for three (3) years and shall be indicated by a renewal sticker affixed parallel to and above or below the license.

New registrations require the purchase of a bicycle license and a renewal sticker valid for three (3) years.

| | |
|----------------------|--------|
| Bicycle license..... | \$1.00 |
| Renewal..... | \$3.00 |

PROPERTY RECOVERY

1. By Owner

The fee for recovery of property in possession of the Police Department by property owner or by property finder. Property finder includes the person who found or saved the property, or purchased the property at public auction, shall be the City's full cost including overhead and charges for storage.

2. By Finder

The fee for title to property to be vested in the person who found or saved the property or in the successful bidder at public auction shall be the City's cost for publication.

| | |
|----------------|-------|
| By owner..... | \$122 |
| By finder..... | \$124 |

VEHICULAR

1. General

| | |
|--|------|
| Equipment violation, re-inspection | \$10 |
| Vehicle ID verification | \$10 |

2. Negligent Vehicle Impound Fees (NVIF)

| | |
|--|-------|
| Privately initiated, per vehicle..... | \$55 |
| In public right of way, per vehicle..... | \$125 |

HOTELS/MOTELS

A non-refundable fee shall accompany each hotel/motel permit as follows:

| | |
|--------------------------------------|------|
| Initial application and renewal..... | \$70 |
|--------------------------------------|------|

Hourly rate, investigation exceeding 1 hour..... \$70

EMERGENCY RESPONSE

Per Chapter 9.05 of the Chula Vista Municipal Code, the City shall be reimbursed for all costs incurred providing emergency response services as a result of the activities, whether negligent or intentional, of a person under the influence of an alcoholic beverage, drug, or combination thereof.

The reimbursement shall be equal to the City's full cost, including overhead. See Master Fee Schedule Fee Bulletins 1-100 and 1-200 for additional discussion of full cost recovery and current hourly rates.

| | | |
|---|--|---|
|  <p>CITY OF CHULA VISTA</p> | <p align="center">MASTER FEE SCHEDULE Chapter 15 – Fire Fees General Fire Fees</p> <p>City of Chula Vista Fire Department 276 Fourth Avenue, Chula Vista, CA 91910</p> | <p align="center">FEE BULLETIN</p> <p align="center">15-300</p> <p align="center">December 2013</p> |
|---|--|---|

EMERGENCY INCIDENT RESPONSE

All cost recovery for Fire Department emergency incident response shall be calculated using the hourly billing rates indicated herein.

All incidents require a 1 hour response, at minimum. Responses which exceed 1 hour will be billed based on actual time, to the nearest quarter hour increment.

Any additional emergency response triggered by the initial incident will be considered additive, at actual cost based on response required.

1. Pipeline Incident

Water utility, per hour\$580
 Other utility – large diameter, per hour \$2,615
 Other utility – small diameter, per hour\$435

2. Power Line Incident

Per hour.....\$435

3. Illegal Fire

Per hour.....\$435

4. Hazardous Materials Incident

Major, per hour \$3,195
 Minor, per hour\$435

5. Special Rescue

Special Rescue includes structural collapse, confined space, trench, and rope rescue.

Per hour..... \$2,760



MASTER FEE SCHEDULE

Chapter 4 – Business Fees

General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

201

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|-------------------|-------|
| Application | \$100 |
|-------------------|-------|

3. Bingo – New and Renewal

| | |
|----------------------|------|
| Chairperson | \$50 |
| Co-Chairperson | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

6. Fraternal Society Gameroom

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

7. Holistic Health Establishment

| | |
|----------------------|-------|
| Application | \$195 |
| Annual renewal | \$25 |

7.8. Holistic Health Practitioner

| | |
|----------------------|-------|
| Application | \$175 |
| Annual renewal | \$100 |

Investigation fee is refundable upon issuance of a business license.

8.9. Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

9.10. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10.11. Massage Establishment

| | |
|----------------------|------------|
| Application | \$1501,400 |
| Annual renewal | \$1,250 |

Sale, transfer or change of location requires a new application, including payment of application fee. Sale/transfer, filing fee \$25
Change of location, filing fee \$25

11.12. Massage Technician

| | |
|----------------------|-------|
| Work permit | \$175 |
| Annual renewal | \$100 |

12.13. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

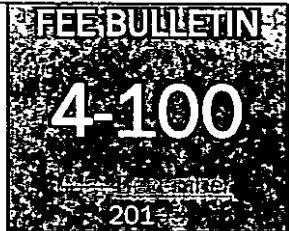


MASTER FEE SCHEDULE

Chapter 4 – Business Fees

General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910



GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|-------------------|-------|
| Application | \$100 |
|-------------------|-------|

3. Bingo – New and Renewal

| | |
|----------------------|------|
| Chairperson | \$50 |
| Co-Chairperson | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

6. Firearms Dealer

| | |
|----------------------|-------|
| Application | \$365 |
| Annual renewal | \$310 |

~~6-7~~ Fraternal Society Gameroom

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

~~7-8~~ Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

~~8-9~~ Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

~~9-10~~ Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

~~10-11~~ Massage Establishment

| | |
|--------------------------------------|-------|
| Application | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

~~11-12~~ Massage Technician

| | |
|-------------------|------|
| Work permit | \$30 |
|-------------------|------|

~~12-13~~ Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

~~13-14~~ Pawnbroker

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

~~14-15~~ Peddler

| | |
|-------------------|------|
| Application | \$10 |
|-------------------|------|

| | | |
|---|---|--|
|  <p>CITY OF CHULA VISTA</p> | <p align="center">MASTER FEE SCHEDULE Chapter 4 – Business Fees General Business Fees</p> <p align="center">City of Chula Vista Finance Department 276 Fourth Avenue, Chula Vista, CA 91910</p> | <p align="center">FEE BULLETIN</p> <p align="center">4-100</p> <p align="center">December 2013</p> |
|---|---|--|

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|--------------------------------------|----------------------------|
| Non-compliance fine, greater of..... | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|---|------|
| Closing out sale, first 60 days..... | \$30 |
| Closing out sale, one 30 day extension..... | \$15 |
| Special sales event..... | \$45 |
| Temporary outside sales event..... | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application..... | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|------------------|-------|
| Application..... | \$100 |
|------------------|-------|

3. Bingo – New and Renewal

| | |
|---------------------|------|
| Chairperson..... | \$50 |
| Co-Chairperson..... | \$27 |

4. Card Room

| | |
|--|-------|
| Application..... | \$500 |
| Work permit, card room manager..... | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

6. Fraternal Society Gameroom

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

7. Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8. Junk Dealer

| | |
|---|------|
| Application..... | \$80 |
| Work permit, employee ID card..... | \$30 |
| Work permit, change of address/replacement..... | \$10 |

9. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10. Massage Establishment

| | |
|-------------------------------------|-------|
| Application..... | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee..... | \$25 |

11. Massage Technician

| | |
|------------------|------|
| Work permit..... | \$30 |
|------------------|------|

12. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13. Pawnbroker

| | |
|---|------|
| Application..... | \$80 |
| Work permit, employee ID card..... | \$30 |
| Work permit, change of address/replacement..... | \$10 |

14. Peddler

| | |
|------------------|------|
| Application..... | \$10 |
|------------------|------|

15. Public Dance

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|



MASTER FEE SCHEDULE

Chapter 4 – Business Fees

General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

2013

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|--------------------------------------|----------------------------|
| Non-compliance fine, greater of..... | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|---|------|
| Closing out sale, first 60 days..... | \$30 |
| Closing out sale, one 30 day extension..... | \$15 |
| Special sales event..... | \$45 |
| Temporary outside sales event..... | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application..... | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|------------------|-------|
| Application..... | \$100 |
|------------------|-------|

3. Bingo – New and Renewal

| | |
|---------------------|------|
| Chairperson..... | \$50 |
| Co-Chairperson..... | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application..... | \$500 |
| Work permit, card room manager..... | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

6. Fraternal Society Gameroom

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

7. Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8. Junk Dealer

| | |
|------------------------------------|--------------|
| Application..... | \$80315 |
| <u>Renewal, every 2 years.....</u> | <u>\$100</u> |

Work permit, employee ID card..... \$30

Work permit, change of address/replacement..... \$10

9. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10. Massage Establishment

| | |
|-------------------------------------|-------|
| Application..... | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee..... | \$25 |

11. Massage Technician

| | |
|------------------|------|
| Work permit..... | \$30 |
|------------------|------|

12. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13. Pawnbroker

| | |
|------------------------------------|--------------|
| Application..... | \$80315 |
| <u>Renewal, every 2 years.....</u> | <u>\$100</u> |

Work permit, Pawnshop employee ID card

Application..... \$30165

Annual renewal \$70

Work permit, cChange of address/replacement..... \$10

~~May-December~~
2010-2013

MASTER FEE SCHEDULE ■ FEE BULLETIN 4-100

Page 2 of 2

14. Peddler

Application..... \$10

15. Public Dance

Application..... \$50

16. Second Hand Dealer

Application..... ~~\$80~~315

Renewal, every 2 years..... \$100

Work permit, employee ID card..... \$30

Work permit, change of address/replacement. \$10

17. Solicitor

Application..... \$10

Work permit, ID card, annual \$15

18. Transient Merchant

Application..... \$10

19. Alcoholic Beverage Control (ABC)
Determination of Public Convenience or
Necessity

The filing fee shall be the City's full cost including overhead. At time of filing a deposit shall be required.

Filing deposit.....\$250



MASTER FEE SCHEDULE

Chapter 4 – Business Fees

General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

2012

GENERAL BUSINESS**1. Business License Fees, General**

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|--------------------------------------|----------------------------|
| Non-compliance fine, greater of..... | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|---|------|
| Closing out sale, first 60 days..... | \$30 |
| Closing out sale, one 30 day extension..... | \$15 |
| Special sales event..... | \$45 |
| Temporary outside sales event..... | \$45 |

SPECIFIC BUSINESS**1. Art Figure Studio**

| | |
|--------------------------|-------|
| Application..... | \$100 |
| Work permit, model | \$25 |

2-1 Bath House

| | |
|------------------|-------|
| Application..... | \$100 |
|------------------|-------|

3-2 Bingo - New and Renewal

| | |
|---------------------|------|
| Chairperson..... | \$50 |
| Co-Chairperson..... | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4-3 Card Room

| | |
|--|-------|
| Application..... | \$500 |
| Work permit, card room manager..... | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5-4 Casino Parties

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

6-5 Fraternal Society Gameroom

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

7-6 Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8-7 Junk Dealer

| | |
|---|------|
| Application..... | \$80 |
| Work permit, employee ID card..... | \$30 |
| Work permit, change of address/replacement..... | \$10 |

9-8 Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10-9 Massage Establishment

| | |
|-------------------------------------|-------|
| Application..... | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee..... | \$25 |

11-10 Massage Technician

| | |
|------------------|------|
| Work permit..... | \$30 |
|------------------|------|

12-11 Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13-12 Pawnbroker

| | |
|---|------|
| Application..... | \$80 |
| Work permit, employee ID card..... | \$30 |
| Work permit, change of address/replacement..... | \$10 |

14-13 Peddler

| | |
|------------------|------|
| Application..... | \$10 |
|------------------|------|

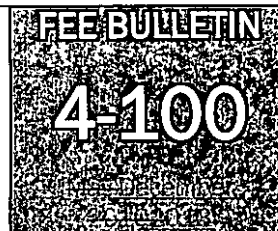
15-14 Public Dance

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|



MASTER FEE SCHEDULE Chapter 4 – Business Fees General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910



GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS (REGULATORY)

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|----------------------------------|---------------------------------|
| Application, <u>annual</u> | \$100 <u>\$1,400</u> |
|----------------------------------|---------------------------------|

3. Bingo—New and Renewal

| | |
|-----------------------------|--------------|
| <u>Application</u> | <u>\$265</u> |
| <u>Annual renewal</u> | <u>\$265</u> |
| <u>Chairperson</u> | <u>\$50</u> |
| <u>Co Chairperson</u> | <u>\$27</u> |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |
| Work permit, application | \$175 |
| Work permit, annual renewal | \$100 |

5. Casino Parties

| | |
|-------------------|------------------------------|
| Application | \$50 <u>\$265</u> |
|-------------------|------------------------------|

6. Fraternal Society Gameroom

| | |
|-------------------|------------------------------|
| Application | \$50 <u>\$265</u> |
|-------------------|------------------------------|

7. Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8. Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

9. Live Entertainment

| | |
|-------------------------|------------------|
| Investigation fee | \$150 |
|-------------------------|------------------|

~~Investigation fee is refundable upon issuance of a business license.~~

~~10.9.~~ 10.10. Massage Establishment

| | |
|--------------------------------------|-------|
| Application | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

~~11.10.~~ 11.11. Massage Technician

| | |
|-------------------|------|
| Work permit | \$30 |
|-------------------|------|

~~12.11.~~ 12.12. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

~~13.12.~~ 13.13. Pawnbroker

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

~~14.13.~~ 14.14. Peddler

| | |
|-------------------|------------------------------|
| Application | \$10 <u>\$165</u> |
|-------------------|------------------------------|

May-December
2010-2013

MASTER FEE SCHEDULE ■ FEE BULLETIN 4-100

Page 2 of 2

15.14. Public Dance

Application.....\$50175

See Master Fee Schedule Fee Bulletins 1-100 and 1-200 for additional discussion of full cost recovery and current hourly rates.

16.15. Second Hand Dealer

Application.....\$80
Work permit, employee ID card.....\$30
Work permit, change of address/replacement.\$10

17.16. Solicitor

Application, includes ID card.....\$10165
Work permit, ID card, annual renewal.....\$7015

18.17. Transient Merchant

Application.....\$10165

19.18. Alcoholic Beverage Control (ABC)
Determination of Public Convenience or
Necessity (PCN) Hearing

The filing fee shall be the City's full cost including overhead. At time of filing a deposit shall be required.

Filing Hearing fee.....Full cost recovery
Initial deposit.....\$1,500250

APPEALS

19. ABC PCN Determination

Processing fee.....Full cost recovery
Initial deposit.....\$1,000

20. Police Regulated Business License

Processing fee.....Full cost recovery
Initial deposit.....\$250

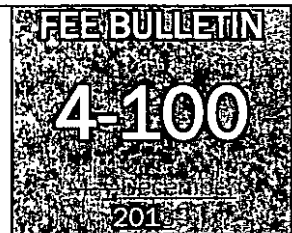
FULL COST RECOVERY

For all full cost recovery fee items, an initial deposit shall be collected to cover the City's full cost, including overhead, incurred in conjunction with review and processing as requested by applicant. Additional funds may be collected, as required, to cover City costs. Should the application be withdrawn at any time, the deposit shall be adjusted to cover the City's actual costs, including overhead, up to that time. Any funds remaining on deposit at the time of the completion or withdrawal of the application shall be returned to the depositor, after accounting for expenses incurred to date.



MASTER FEE SCHEDULE
Chapter 4 – Business Fees
General Business Fees

City of Chula Vista Finance Department
 276 Fourth Avenue, Chula Vista, CA 91910

**GENERAL BUSINESS****1. Business License Fees, General**

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|--------------------------------------|----------------------------|
| Non-compliance fine, greater of..... | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|---|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension..... | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS (REGULATORY)**1. Art Figure Studio**

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2.1 Bath House

| | |
|----------------------------------|---------|
| Application, <u>annual</u> | \$1,400 |
|----------------------------------|---------|

3.2 Bingo—New and Renewal

| | |
|----------------------|-------|
| Application | \$265 |
| Annual renewal | \$265 |
| Chairperson | \$50 |
| Co Chairperson | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4.3 Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |
| Work permit, application | \$175 |
| Work permit, annual renewal | \$100 |

5.4 Casino Parties

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

5. Firearms Dealer

| | |
|----------------------|-------|
| Application | \$365 |
| Annual renewal | \$310 |

6. Fraternal Society Gameroom

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

1. Holistic Health Establishment

| | |
|----------------------|-------|
| Application | \$195 |
| Annual renewal | \$25 |

7.2 Holistic Health Practitioner

| | |
|--------------------------------------|-------|
| Application..... | \$175 |
| Annual renewalInvestigation fee..... | \$100 |

Investigation fee is refundable upon issuance of a business license.

8.3 Junk Dealer

| | |
|------------------------------|-------|
| Application | \$80 |
| Renewal, every 2 years | \$100 |

| | |
|--|------|
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

9. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10.4. Massage Establishment

| | |
|----------------------|---------|
| Application | \$1,400 |
| Annual renewal | \$150 |
| | \$1,250 |

Sale, transfer or change of location requires a new application, including payment of application fee.

| | |
|--------------------------------------|------|
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

May-December
2010-2013

MASTER FEE SCHEDULE ■ FEE BULLETIN 4-100

Page 2 of 2

11-5. Massage Technician

Application/Work permit \$175 \$30
 Annual renewal \$100

12-6. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13-7. Pawnbroker

Application \$315 \$80
 Renewal, every 2 years \$100

Pawnshop Work permit, employee ID card

Application \$301 \$65
 Annual renewal \$70
 Work permit, change of address/replacement \$10

14-8. Peddler

Application \$101 \$65

15-9. Public Dance

Application \$501 \$75

16-10. Second Hand Dealer

Application \$803 \$15
 Renewal, every 2 years \$100
 Work permit, employee ID card \$30
 Work permit, change of address/replacement \$10

17-11. Solicitor

Application, includes ID card \$101 \$65
 Work permit, ID card, annual renewal \$1570

18-12. Transient Merchant

Application \$101 \$65

19-13. Alcoholic Beverage Control (ABC) Determination of Public Convenience or Necessity (PCN) Hearing

The filing fee shall be the City's full cost including overhead. At time of filing a deposit shall be required.

Filing Hearing fee Full cost recovery
 Initial deposit \$1,500 \$250

APPEALS1. ABC PCN Determination

Processing fee Full cost recovery
 Initial deposit \$1,000

2. Police Regulated Business License

Processing fee Full cost recovery
 Initial deposit \$250

FULL COST RECOVERY

For all full cost recovery fee items, an initial deposit shall be collected to cover the City's full cost, including overhead, incurred in conjunction with review and processing as requested by applicant. Additional funds may be collected, as required, to cover City costs. Should the application be withdrawn at any time, the deposit shall be adjusted to cover the City's actual costs, including overhead, up to that time. Any funds remaining on deposit at the time of the completion or withdrawal of the application shall be returned to the depositor, after accounting for expenses incurred to date.

See Master Fee Schedule Fee Bulletins 1-100 and 1-200 for additional discussion of full cost recovery and current hourly rates.

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 3 (ANIMAL
CONTROL) OF THE CITY'S MASTER FEE SCHEDULE

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to Animal Control fees necessary to ensure the City recovers the estimated reasonable cost of providing Animal Control services consistent with the City's Cost Recovery Policy; and

WHEREAS, Chapter 3 of the Master Fee Schedule also establishes penalties for late payment of license fees; and

WHEREAS, in order to achieve equitable cost recovery for Animal Control services provided and appropriate penalties for late payment of license fees, the Council wishes to amend Chapter 3 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed penalties are exempt from the vote requirement; and

WHEREAS, the proposed amendments to Chapter 3 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

Resolution No. _____

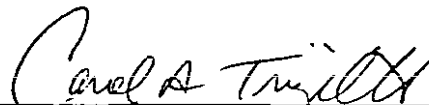
Page 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 3 (Animal Control) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer


Glen R. Googins for Chance Hawkins
City Attorney



MASTER FEE SCHEDULE

Chapter 3 – Animal Control Fees

General Animal Control Fees

City of Chula Vista Animal Care Facility
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

3-100

May 2010 - December 2013

DOG LICENSES

For all licenses, the license period cannot exceed the expiration date of the rabies vaccination.

Eligibility for the reduced 'Altered' fees detailed below requires presentation of a certificate from a licensed veterinarian or receipt of an affidavit stating that the dog has been spayed or neutered.

1. Purchase of license, 1 year

| | |
|-----------------|--------|
| Altered | \$1220 |
| Unaltered | \$2532 |

2. Purchase of license, 3 years

| | |
|-----------------|--------|
| Altered | \$2320 |
| Unaltered | \$5032 |

3. Penalty for late application/payment, per occurrence

| | |
|-------------------------------|--------|
| Per application/payment | \$3.00 |
| 1-15 days delinquent | \$10 |
| 16-30 days delinquent | \$20 |
| >30 days delinquent | \$50 |

4. License Replacement, per replacement

| | |
|--------------------------------|--------|
| Processing fee in person | \$2.00 |
| Processing fee by mail | \$3.00 |
| Altered | \$10 |
| Unaltered | \$20 |

5. License Transfer, per transfer

| | |
|--------------------------------|--------|
| Per dog license transfer | \$5.00 |
| Unaltered | \$20 |

All license fees apply in full to service dogs.

6. Microchip Service

| | |
|------------------------|------|
| Per chip implant | \$15 |
|------------------------|------|

SALE OF ANIMALS/ANIMAL ADOPTIONS

1. Shelter adoptions

| | |
|-----------------------------------|------------------|
| Dogs, younger than 7 years | \$75 |
| Cats, younger than 7 years | \$65 |
| Dogs/Cats, 7 years or older | \$35 |
| Rabbits | \$20 |
| Livestock | \$30 Actual cost |

| | |
|-------------------------------|--------|
| Birds/Poultry/Other | \$5.00 |
| Reptiles | \$10 |
| Rodents | \$5.00 |
| Other, except livestock | \$20 |

2. Off Site Adoptions

| | |
|---------------|------|
| Dogs | \$60 |
| Cats | \$50 |
| Rabbits | \$30 |

ANIMAL IMPOUND & RELINQUISHMENT

1. Impoundment

For the picking up, transporting and impounding of any animal including a dog, by the use of equipment, personnel and regular facilities maintained by the City, the city shall assess fees as shown below. Offenses shall be counted per owner/animal, not per animal/owner (e.g. if a person has two dogs and each is picked up three times, the owner is guilty of six offenses).

| | |
|---|------------------|
| Dogs/eatsCats, first offense/impound | \$2545 |
| Dogs/eatsCats, second offense/impound | \$4560 |
| Dogs/eatsCats, third and subsequent offenses/impounds | \$6575 |
| Rabbits | \$20 |
| Exotic/Livestock | Actual cost \$20 |
| Birds/poultry/Poultry | \$20 |
| Reptiles | \$20 |
| Rodents/rabbits | \$20 |
| Other, except livestock | \$20 |

2. Boarding of Impounded Animals, fee per day

| | |
|-------------------------------|------------------|
| Dogs/eatsCats | \$6.00 |
| Rabbits | \$6.00 |
| Livestock | Actual cost \$10 |
| Birds/Poultry | \$5.00 |
| Reptiles | \$6.00 |
| Rodents | \$5.00 |
| Other, except livestock | \$5.00 |
| Other small animals | \$5.00 |

3. Owner Relinquishments

| | |
|--------------------------------------|--------|
| Dogs/eats, with license | \$1575 |
| Dogs/eatsCats, without license | \$2560 |
| Dogs/eats, for euthanasia | \$15 |
| Dogs/Cats, Litter | \$1575 |
| Rabbits | \$25 |

| | |
|--|-----------------|
| Exotic/Livestock..... | Actual cost\$15 |
| Birds/Poultry/Other small animals..... | \$105.00 |
| Reptiles..... | \$25 |
| Rodents..... | \$10 |
| Other, except livestock..... | \$10 |
| In field relinquishments..... | \$3575 |

4. Returned to Owner (In Field Only)

| | |
|------------------|--------|
| All animals..... | \$2550 |
|------------------|--------|

VACCINATIONS&VETERINARY FEES

Services provided to in-house shelter animals only.

1. Vaccinations (Dogs and Cats Only)

| | |
|--------------------|---------|
| Bordatella IN..... | \$5.00 |
| Bordatella SO..... | \$5.00 |
| FVRCP/DHLPP..... | \$35.00 |
| HESKA..... | \$5.00 |
| Rabies..... | \$56.00 |

2. Veterinarian Fees

| | |
|------------------------------------|-------------|
| Bandage..... | \$25 |
| Blood work..... | \$25 |
| Cytology..... | \$25 |
| Daily medication, per day..... | \$6.00 |
| Dental..... | \$75 |
| Derma Testing Medium (DTM)..... | \$125 |
| Deworming..... | \$5.00 |
| Exam..... | \$1025 |
| Flea control..... | \$5.00 |
| Fluids..... | \$50 |
| Foxtail removed, non-surgical..... | \$75 |
| Foxtail removed, surgical..... | \$175 |
| General anesthesia..... | \$150 |
| Daily medication, per day..... | \$2.00 |
| Injectable medicine..... | \$10 |
| Leukemia Test..... | \$25 |
| Parvo Test..... | \$35 |
| Pathology..... | Actual cost |
| RVT Exam..... | \$20 |
| Sedation..... | \$75 |
| Skin scrape..... | \$50 |
| Urinalysis..... | \$25 |
| X-ray..... | \$50 |
| Other veterinary services..... | Actual cost |

3. OTHER FEES SERVICES

| | |
|--|-------------|
| Microchip, per chip implant..... | \$1530 |
| Tranquilized animals..... | \$3050 |
| Home quarantine..... | \$30100 |
| In-shelter quarantine (10 days)..... | \$175 |
| Grooming, humane..... | \$75 |
| SNIP (Spay/Neuter Incentive Program)..... | \$75 |
| Other activities, not specifically listed herein..... | Actual cost |
| Pathology..... | \$45 |

4.1. Dangerous dog

Dangerous or potentially dangerous dog.
Dangerous dog tag fee is in addition to the regular license fee.

| | |
|---|--------|
| Dangerous dog hearing..... | \$450 |
| Dangerous dog tag, annual/Per-year..... | \$3250 |

1. Other hearings

| | |
|---------------------------|-------|
| Nuisance dog hearing..... | \$450 |
| Barking dog hearing..... | \$450 |

2. Euthanasia, at owner's request

| | |
|-----------------------|------|
| Animal < 40 lbs..... | \$35 |
| Animal >= 40 lbs..... | \$50 |
| In field..... | \$35 |
| Disposal..... | \$19 |

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 5 (LIBRARY) OF THE
CITY'S MASTER FEE SCHEDULE

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to Library fees necessary to ensure the City recovers the estimated reasonable cost of providing Library services consistent with the City's Cost Recovery Policy; and

WHEREAS, Chapter 5 of the Master Fee Schedule also establishes fines for overdue items and devices; and

WHEREAS, in order to achieve equitable cost recovery for Library services provided and appropriate fines for overdue items and devices, the Council wishes to amend Chapter 5 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fines are exempt from the vote requirement; and

WHEREAS, the proposed amendments to Chapter 5 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

Resolution No. _____

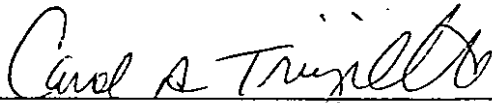
Page 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 5 (Library) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer



Glen R. Googins
City Attorney *for Chanel Huntline*



MASTER FEE SCHEDULE

Chapter 5 – Library Fees

General Library Fees

City of Chula Vista Library Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

5-100

May-December
2019-2023

SERVICE FEES

1. Library Cards

California resident card no charge
Replacement/lost card.....\$2.00
Additional card\$2.00
Non-California resident card, annual.....\$20

2. Audio Visual, Insurance Charges

Video/DVD, annual\$20
Prorated charge, per quarter.....\$5.00
Video/DVD, per item option\$1.00

3. Books

Interlibrary loan, per item\$5.00
Book transfer, postage fee.....actual cost
(request from non-Serra Library)

4. Lost Items, valued at \$12.50 or more

Processing fee, in addition to retail price.... \$12.50

5. Proctoring service for distance learners (written or computer based)

Per student, per test.....\$25

FINES

1. Overdue Charges

Books, per day, per item

Adults collection.....\$0.30
Children collection\$0.10

Other media, per day, per item

CDs/compact disc and audio cassettes\$0.30
Video Tapes/DVDs/Blu-ray Discs.....\$1.00
Other electronic devices.....\$1.00

Chromebook, per device

Overdue 1-4 days, per day\$10
Overdue >4 days.....\$500

2. Audio Visual

Cassette rewinding, each.....\$1.00

LOCAL HISTORY COLLECTION FEES

1. Reproduction fees (3rd party)

Per image actual cost (market value)

2. Photo use fees (image rights, one-time use)

Non-Commercial use, per image.....\$45
Commercial use, per image.....\$125

2-3. Photocopies made by staff

Per page\$0.25

3-4. Other Fees

Obituary research request.....\$525.00

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 6 (POLICE) OF THE
CITY'S MASTER FEE SCHEDULE

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to Police fees necessary to ensure the City recovers the estimated reasonable cost of providing Police services consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for Police services provided, the Council wishes to amend Chapter 6 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

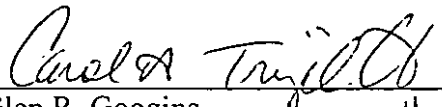
WHEREAS, the proposed amendments to Chapter 6 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 6 (Police) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer



Glen R. Googins
City Attorney *for Chance Huntling*



MASTER FEE SCHEDULE Chapter 6 – Police Fees General Police Fees

City of Chula Vista Police Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

6-100

November, December
2013

RECORDS & DOCUMENTS

1. Accident Crime/Traffic Reports

1st page, per copy\$1.00
Each additional page\$0.10

Crime or traffic reports requested will be made available for pickup at the Police Department. Upon request from the applicant, the City may deliver the documents and records via mail or fax, subject to reimbursement to the City for actual costs incurred in delivery.

0

Mailed crime reports, per copy\$2.00
Photographs, per copy\$12

2. Record Check-Check Letter request,

each Per request.....\$2.0023

PROCESSING

1. Fingerprint Requests

Per rolling\$120

2. Live Scan Fingerprint Technology

Per rolling\$2018

3. Booking Fee

In accordance with California Government Code 29550.3, those individuals who are arrested by the Chula Vista Police Department and booked in the Chula Vista Police Department holding facility shall be subject to a Booking Fee if convicted of a crime as a result of the arrest by the Chula Vista Police Department.

Per Booking.....\$175155

4. Adult Arrest Record Sealing

Application, non-refundable\$70
Processing, if approved\$105

ALARMS

1. Alarm Use Permit

A nonrefundable fee shall accompany each application for an alarm user permit. All permits are subject to a renewal fee every twelve (12) months.

Application.....\$28.75
Renewal, annual\$28.75

2. False Alarm Assessment

When any emergency alarms, messages, signals, or notices are received by the Communications Center which results in a police response and in which the alarm proves to be a false alarm, the owner and/or occupier of the property shall pay a false alarm assessment to the City.

For all false alarms within a twelve (12) month period the following fees shall be charged:

First (1st) false alarm\$100
Second (2nd) false alarm\$200
Each additional false alarm\$500

Alarm permit holders may complete a false-alarm prevention class in-lieu of paying the first (1st) false alarm assessment. This option is available only once per permit holder.

3. Delinquent Payment Penalty

Users subject to the false alarm charge failing to submit payment shall be subject to both a basic penalty, and an additional penalty per month for non-payment of the false alarm charge and basic penalty.

Basic penalty, percent of false alarm charge....10%
Monthly delinquency charge1.5%

BICYCLE LICENSES

A license fee shall be paid in advance to the City before any such license is granted.

Renewals are valid for three (3) years and shall be indicated by a renewal sticker affixed parallel to and above or below the license.

New registrations require the purchase of a bicycle license and a renewal sticker valid for three (3) years.

| | |
|----------------------|--------|
| Bicycle license..... | \$1.00 |
| Renewal..... | \$3.00 |

PROPERTY/RECOVERY

1. By Owner

The fee for recovery of property in possession of the Police Department by property owner or by property finder. Property finder includes the person who found or saved the property, or purchased the property at public auction, shall be the City's full cost including overhead and charges for storage.

2. By Finder

The fee for title to property to be vested in the person who found or saved the property or in the successful bidder at public auction shall be the City's cost for publication.

| | |
|----------------|-------|
| By owner..... | \$122 |
| By finder..... | \$124 |

VEHICULAR

1. General

| | |
|---|------|
| Equipment violation, re-inspection..... | \$10 |
| Vehicle ID verification..... | \$10 |

2. Negligent Vehicle Impound Fees (NVIF)

| | |
|--|-------|
| Privately initiated, per vehicle..... | \$55 |
| In public right of way, per vehicle..... | \$125 |

HOTELS/MOTELS

A non-refundable fee shall accompany each hotel/motel permit as follows:

| | |
|--------------------------------------|------|
| Initial application and renewal..... | \$70 |
|--------------------------------------|------|

Hourly rate, investigation exceeding 1 hour..... \$70

EMERGENCY RESPONSE

Per Chapter 9.05 of the Chula Vista Municipal Code, the City shall be reimbursed for all costs incurred providing emergency response services as a result of the activities, whether negligent or intentional, of a person under the influence of an alcoholic beverage, drug, or combination thereof.

The reimbursement shall be equal to the City's full cost, including overhead. See Master Fee Schedule Fee Bulletins 1-100 and 1-200 for additional discussion of full cost recovery and current hourly rates.

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 15 (FIRE) OF THE
CITY'S MASTER FEE SCHEDULE

WHEREAS, the City of Chula Vista Fire Department provides emergency services including responding to pipeline incidents, power line incidents, illegal fires, hazardous materials incidents and special rescues; and

WHEREAS, increased environmental protection requirements for mitigation and cleanup of hazardous materials incidents have resulted in higher costs to the Chula Vista Fire Department; and

WHEREAS, the Fire Department recommends the creation of an emergency incident response cost recovery program to recover the costs incurred responding to incidents resulting from negligence or an intentionally wrongful act; and

WHEREAS, California Health and Safety Code Section 13009(a) establishes that any person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property is liable for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services, and those costs shall be a charge against that person. The charge shall constitute a debt of that person, and is collectible by the person, or by the federal, state, county, public, or private agency, incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied; and

WHEREAS, California Vehicle Code Sections 17300(c) and 17300(d) establish that a person who willfully or negligently causes or permits the contents of a vehicle to be deposited upon a street or highway, or its appurtenances, is liable for the reasonable costs of removing those contents from the street or highway or its appurtenances and that this liability also applies to an owner of a vehicle operated with the owner's permission and includes liability for the reasonable cost of necessary safety precautions, including, but not limited to, warning traffic, the removal of debris resulting from accidents, the removal of any materials, or providing detours; and

WHEREAS, City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to Fire fees necessary to ensure the City recovers the estimated reasonable cost of providing Fire services consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for Fire services provided, the Council wishes to amend Chapter 15 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

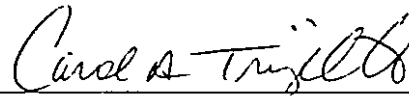
WHEREAS, the proposed amendments to Chapter 15 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

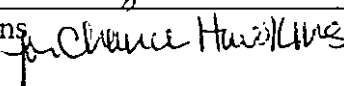
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 15 (Fire) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer



Glen R. Googins
City Attorney 



MASTER FEE SCHEDULE
Chapter 15 – Fire Fees
General Fire Fees

City of Chula Vista Fire Department
276 Fourth Avenue, Chula Vista, CA 91910



EMERGENCY INCIDENT RESPONSE

All cost recovery for Fire Department emergency incident response shall be calculated using the hourly billing rates indicated herein.

All incidents require a 1 hour response, at minimum. Responses which exceed 1 hour will be billed based on actual time, to the nearest quarter hour increment.

Any additional emergency response triggered by the initial incident will be considered additive, at actual cost based on response required.

1. Pipeline Incident

Water utility, per hour\$580
Other utility – large diameter, per hour \$2,615
Other utility – small diameter, per hour\$435

2. Power Line Incident

Per hour\$435

3. Illegal Fire

Per hour\$435

4. Hazardous Materials Incident

Major, per hour \$3,195
Minor, per hour\$435

5. Special Rescue

Special Rescue includes structural collapse, confined space, trench, and rope rescue.

Per hour \$2,760

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 15 (FIRE) OF THE
CITY'S MASTER FEE SCHEDULE

WHEREAS, the City of Chula Vista Fire Department provides emergency services including responding to pipeline incidents, power line incidents, illegal fires, hazardous materials incidents and special rescues; and

WHEREAS, increased environmental protection requirements for mitigation and cleanup of hazardous materials incidents have resulted in higher costs to the Chula Vista Fire Department; and

WHEREAS, the Fire Department recommends the creation of an emergency incident response cost recovery program to recover the costs incurred responding to incidents resulting from negligence or an intentionally wrongful act; and

WHEREAS, California Health and Safety Code Section 13009(a) establishes that any person who, in violation of the law or otherwise, sets a fire or allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property is liable for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services, and those costs shall be a charge against that person. The charge shall constitute a debt of that person, and is collectible by the person, or by the federal, state, county, public, or private agency, incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied; and

WHEREAS, California Vehicle Code Sections 17300(c) and 17300(d) establish that a responsible party who causes or permits the contents of a vehicle to be deposited upon a street or highway, or its appurtenances, is liable for the reasonable costs of removing those contents from the street or highway or its appurtenances and that this liability also applies to an owner of a vehicle operated with the owner's permission and includes liability for the reasonable cost of necessary safety precautions, including, but not limited to, warning traffic, the removal of debris resulting from accidents, the removal of any materials, or providing detours; and

WHEREAS, City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to Fire fees necessary to ensure the City recovers the estimated reasonable cost of providing Fire services consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for Fire services provided, the Council wishes to amend Chapter 15 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and


WHEREAS, the proposed amendments to Chapter 15 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 15 (Fire) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer

 FOR GRC

Glen R. Googins
City Attorney

ORDINANCE NO. _____

ORDINANCE AMENDING CHULA VISTA
MUNICIPAL CODE CHAPTER 9.05 (EMERGENCY
RESPONSE COST RECOVERY) TO INCORPORATE
COST RECOVERY FEES FOR FIRE DEPARTMENT
EMERGENCY INCIDENT RESPONSE

WHEREAS, the City of Chula Vista Fire Department provides fire-based emergency services including responding to pipeline incidents, power line incidents, illegal fires, hazardous materials incidents and special rescues; and

WHEREAS, increased environmental protection requirements for mitigation and cleanup of hazardous materials incidents have resulted in higher costs to the Chula Vista Fire Department; and

WHEREAS, the Fire Department recommends the creation of a fire-based emergency response cost recovery program to recover the costs incurred responding to incidents resulting from irresponsible or negligent behavior; and

WHEREAS, California Health and Safety Code Section 13009(a) establishes that any person who, in violation of the law or otherwise, sets a fire or allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property is liable for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services, and those costs shall be a charge against that person. The charge shall constitute a debt of that person, and is collectible by the person, or by the federal, state, county, public, or private agency, incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied; and

WHEREAS, California Vehicle Code Sections 17300(c) and 17300(d) establish that a responsible party who causes or permits the contents of a vehicle to be deposited upon a street or highway, or its appurtenances, is liable for the reasonable costs of removing those contents from the street or highway or its appurtenances and that this liability also applies to an owner of a vehicle operated with the owner's permission and includes liability for the reasonable cost of necessary safety precautions, including, but not limited to, warning traffic, the removal of debris resulting from accidents, the removal of any materials, or providing detours; and

WHEREAS, these fees for cost of recovery for Fire Department incident response are authorized by the authority contained in the City of Chula Vista City Charter and Cal. Const. art. XI, § 5(b); and

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. That Chapter 9.05 of the Chula Vista Municipal Code, with the above recitations incorporated herein, is hereby amended to read as follows:

Chapter 9.05
EMERGENCY RESPONSE COST RECOVERY

Sections:

9.05.010 Definitions.

9.05.020 Emergency response cost recovery program.

9.05.030 Collection of costs.

9.05.010 Definitions.

A. "Expense of an emergency response" means those costs incurred by the city of Chula Vista in making an appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the salaries and fringe benefits of the personnel responding to the incident, but does not include charges assessed by a private ambulance service company. Those recoverable costs will include damage or destruction to city of Chula Vista property.

B. "Intentionally wrongful conduct" means conduct intended to injure another person or property.

C. "Hazardous Materials" shall have the same meaning as the term "Hazardous Waste" as defined by the California Department of Health pursuant to California Health and Safety Code Section 25117 and 25141.

E. D. "Illegal fire" means a fire caused or set or determined to have been caused or set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An illegal fire does not include an accidental and unintended fire or fire caused by an act of God, i.e., a lightning storm, but does include a fire resulting from grossly negligent or reckless conduct as well as an intentionally set fire.

D. "Incident" means any event which causes an emergency response by the City of Chula Vista Police or Fire Departments.

E. Purpose and Intent. It is the purpose and the intent of this Chapter to establish fees to cover the cost of services which the City of Chula Vista Fire Department provides related to the categories of response described in Section 9.05.020(B) below.

9.05.020 Emergency response cost recovery program.

A. Under the Influence Cost Recovery. Pursuant to the authority vested in the city of Chula Vista by Article 8 (commencing with Section 53150) of Chapter 1 of Part 1

of Division 2 of Title 5 of the Government Code, each person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose operation of a motor vehicle, boat, vessel, or aircraft, caused by that influence, proximately causes any incident resulting in an appropriate emergency response, or whose intentionally wrongful conduct proximately causes any incident resulting in appropriate emergency response, shall pay to said city the expense of such an emergency response. In no event shall a person's liability under this chapter exceed the maximum allowable under state statute, and all costs assessed pursuant to this chapter shall reasonably relate to the actual cost of the expense incurred by the city.

B. Fire Incident Response Cost Recovery. Pursuant to the City of Chula Vista City Charter and Cal. Const. art. XI, § 5(b), fees for Fire Department incident response shall be charged in connection with response to the following: motor vehicle fires, motor vehicle extrications, illegal fires, special rescues (including structural collapse, confined space, trench, rope and similar rescue operations), power-line incidents, pipeline incidents (water, utility, gas, oil, other utilities) and hazardous materials spills on roadways or otherwise.

9.05.030 Collection of fees.

The expense of an emergency incident response is stated in the City's Master Fee Schedule, as amended from time to time by the City Council, and is incorporated into this Chapter and Chapter 15. It shall be charged against the person, persons, company or companies ("responsible parties") responsible for the incident, or their insurers if coverage is afforded. The charges shall be applied to any responsible parties whose act and or actions are the cause of the incident response. The charge constitutes a debt of that person to the city of Chula Vista, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied. The Council also authorizes the fees to be assessed and collected by a third-party billing service if this company receives prior authorization by the City Council to do so. If the charges are not paid within a reasonable time of demand, the director of finance and the director of personnel are authorized to reduce the claim to judgment in the appropriate small claims court or other jurisdiction. Nothing in this section precludes the City of Chula Vista from using any other available method to recover fees or costs as described in this section by any other means available at law.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

Fire Chief David Hanneman

Approved as to form by:



Glen Googins, City Attorney

FOR GRG

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE RELATING TO
MASSAGE ESTABLISHMENTS AND TECHNICIANS AND
HOLISTIC HEALTH ESTABLISHMENTS AND
PRACTITIONERS

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to business fees relating to massage establishments and technicians and holistic health establishments and practitioners necessary to ensure the City recovers the estimated reasonable cost of providing business regulatory services consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for business regulatory services provided relating to massage establishments and technicians and holistic health establishments and practitioners, the Council wishes to amend Chapter 4 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

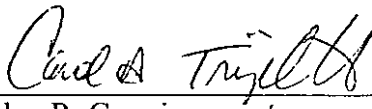
WHEREAS, the proposed amendments to Chapter 4 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 4 (Business) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer



Glen R. Googins
City Attorney *for Chance Hunt*



MASTER FEE SCHEDULE Chapter 4 – Business Fees General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

May-December
20103

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|--------------------------------------|----------------------------|
| Non-compliance fine, greater of..... | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|---|------|
| Closing out sale, first 60 days..... | \$30 |
| Closing out sale, one 30 day extension..... | \$15 |
| Special sales event..... | \$45 |
| Temporary outside sales event..... | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application..... | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|------------------|-------|
| Application..... | \$100 |
|------------------|-------|

3. Bingo – New and Renewal

| | |
|---------------------|------|
| Chairperson..... | \$50 |
| Co-Chairperson..... | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application..... | \$500 |
| Work permit, card room manager..... | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

6. Fraternal Society Gameroom

| | |
|------------------|------|
| Application..... | \$50 |
|------------------|------|

7. Holistic Health Establishment

| | |
|---------------------|-------|
| Application..... | \$195 |
| Annual renewal..... | \$25 |

7.8. Holistic Health Practitioner

| | |
|---------------------------------------|-------|
| Application..... | \$175 |
| Annual renewal/investigation fee..... | \$100 |

~~Investigation fee is refundable upon issuance of a business license.~~

8.9. Junk Dealer

| | |
|--|------|
| Application..... | \$80 |
| Work permit, employee ID card..... | \$30 |
| Work permit, change of address/replacement | \$10 |

9.10. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10.11. Massage Establishment

| | |
|----------------------|------------|
| Application..... | \$1501,400 |
| Annual renewal | \$1,250 |

| | |
|---|-------------|
| <u>Sale, transfer or change of location requires a new application, including payment of application fee.</u> | |
| <u>Sale/transfer, filing fee.....</u> | <u>\$25</u> |
| <u>Change of location, filing fee.....</u> | <u>\$25</u> |

11.12. Massage Technician

| | |
|------------------------------|---------|
| Work permitApplication | \$17530 |
| Annual renewal | \$100 |

12.13. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTION 5.36.135 OF THE CHULA VISTA MUNICIPAL
CODE TO AUTHORIZE THE COLLECTION OF MASSAGE
AND HOLISTIC HEALTH ESTABLISHMENT LICENSE
ANNUAL RENEWAL FEES AND AMENDING SECTION
5.36.190 TO REQUIRE PAYMENT OF NEW APPLICATION
FEES FOLLOWING CHANGE OF LOCATION OF A
MASSAGE ESTABLISHMENT

WHEREAS, the City of Chula Vista Municipal Code Section 5.36.220 relating to Massage Parlors requires an inspection of each business four times per year; and,

WHEREAS, the cost associated with these required inspections is fully burdened by the City of Chula Vista; and,

WHEREAS, there is currently no renewal requirement for massage or holistic health establishments; and,

WHEREAS, the existing Municipal Code Section 5.36.190 only requires a transfer fee when a massage establishment changes location; and,

WHEREAS, the change of location of a massage establishment requires the same amount of staff time to process as a new applicant.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain as follows:

Section I.

Chula Vista Municipal Code Chapter 5.36 is hereby amended to read as shown in attachment A.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

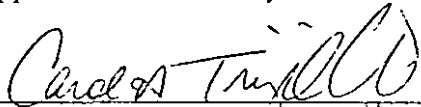
Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

David Bejarano
Chief of Police

Approved as to form by:


Glen R. Googins for Chance Hawkins
City Attorney

Chapter 5.36

MASSAGE PARLORS AND HOLISTIC HEALTH PRACTITIONER BUSINESSES*

Sections:

- 5.36.010 Title for citation.
- 5.36.020 Purpose and intent of provisions.
- 5.36.030 Definitions.
- 5.36.035 *Repealed.*
- 5.36.040 Rules of construction of provisions – Liability – Scope – Compliance required.
- 5.36.050 License – Required.
- 5.36.060 Technician – Permit – Required.
- 5.36.070 Exceptions to applicability.
- 5.36.075 Massage and holistic health establishment permit and posting requirements – Name tags.
- 5.36.080 Massage and holistic health establishment hours and services.
- 5.36.085 Massage and holistic health establishments patron's specified anatomical areas covered – No touching.
- 5.36.090 Plumbing and electrical requirements for massage and holistic health establishments.
- 5.36.095 Permit and posting requirements for off-premises massage and holistic health business – Name tags.
- 5.36.100 Equipment and cleanliness requirements for off-premises massage and holistic health.
- 5.36.105 Off-premises massage and holistic health appointment requirements.
- 5.36.110 Massage technician and holistic health practitioner operating requirements.
- 5.36.115 Massage establishment, holistic health establishment, massage therapist, holistic health practitioner, off-premises massage business, holistic health business advertising requirements.
- 5.36.120 Corporate officers and partners deemed applicants.
- 5.36.125 Designation of responsible managing officer – Signature on applications.
- 5.36.130 County health department inspection and investigation required before issuing massage or holistic health establishment permit.
- 5.36.135 License – Application – Investigation fee required.
- 5.36.140 License tax required – Rate.

- 5.36.145 Technician – Permit – Application – Investigation fee.
- 5.36.150 License or permit – Application – Contents required.
- 5.36.155 Grounds for denial of massage establishment permit, holistic health establishment permit, off-premises business permit, massage therapist permit, holistic health practitioner permit.
- 5.36.160 Renewal of massage therapist or holistic health practitioner permit.
- 5.36.165 Equipment and cleanliness requirements for massage and holistic health establishments.
- 5.36.170 Facilities – Required generally.
- 5.36.175 License or permit – Issuance prerequisites – Appeal of denial – Transferability.
- 5.36.180 Name of business.
- 5.36.190 Change of location – New application Fee required.
- 5.36.200 Sale or transfer of business – Effect – Fee for transfer of interest.
- 5.36.205 Employment of persons not possessing permits prohibited.
- 5.36.210 Records of treatment to be kept – Confidentiality required – Disclosure deemed misdemeanor – Penalty.
- 5.36.220 Inspection required four times per year.
- 5.36.230 Off-premises massages – Permitted when.
- 5.36.235 Applicability of provisions.
- 5.36.240 License or permit – Grounds for suspension or revocation.
- 5.36.245 License or permit – Suspension, revocation or denial – Public hearing.
- 5.36.250 *Repealed.*
- 5.36.260 *Repealed.*
- 5.36.270 *Repealed.*
- 5.36.280 Hearing – Decision of determination.
- 5.36.290 –
- 5.36.320 *Repealed.*
- 5.36.325 Unlawful operation declared nuisance.
- 5.36.330 Violation – Penalty.
- 5.36.340 Operative date – Grandfather clause.

* For statutory authority for cities to license businesses for purposes of revenue and regulation, see Gov. Code § 37101.

5.36.010 Title for citation.

This chapter may be cited as the “Chula Vista massage and holistic health practitioner establishment ordinance.” (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.30).

5.36.020 Purpose and intent of provisions.

It is the purpose and intent of this chapter to establish appropriate rules and regulations for the conduct of massage and holistic health practitioner businesses within the city, said rules and regulations providing for the proper training and qualifications of massage technicians and holistic health practitioners, the requirements of certain facilities and the physical layout for massage and holistic health practitioner establishments and the manner in which said businesses may be conducted as necessary to protect the public health, safety and general welfare. The massage and holistic health business is declared to be a business subject to police and health regulations in the interests of protecting the patrons of such establishments. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.31).

5.36.030 Definitions.

Whenever in this article the following words or phrases are used, they shall mean:

- A. “City” means the city of Chula Vista, a municipal corporation in the state of California;
- B. “Health department” means the department of public health services of the county of San Diego when the city department is enforcing the terms of this chapter;
- C. “License” means the business license to operate a massage establishment required by this code;
- D. “Massage” means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice;
- E. “Massage establishment” means an establishment having a fixed place of business where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on any business where massages, as defined in this chapter, or other similar procedures are given or administered;
- F. “Massage technician” or “technician” means any person, male or female, who gives or administers to another person, for any form of consideration, a “massage” or bath as those words are defined in this chapter;
- G. “Permit” means the permit to engage in the activities of a massage technician required by this chapter;
- H. “Person” means a natural person, firm, co-partnership, association or corporation;
- I. “Holistic health practitioner” means a nonmedical health care therapist who uses any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping,

pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar substances; and who claims exemption from police regulation as a massage therapist pursuant to this chapter and who presents to the police chief proof of satisfactory completion of 1,000 hours of instruction in such specialty or therapeutic approach at a school with a state-approved curriculum and proof of membership in a state or nationally chartered organization devoted to the specialty or therapeutic approach. The practice of such health care therapists, in addition to massage therapy, must include nutritional assistance, exercise programs and counseling that is directed toward health care;

J. "Holistic health practitioner business" means any business that is owned and operated by one or more holistic health practitioners and that hires or contracts with other holistic health practitioners or massage therapists for the purpose of nonmedical care;

K. "NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork;

L. "NCCAOM" means the National Certification Commission of Acupuncture and Oriental Medicine;

M. "Off-premises massage therapist" means any person who provides massage services by appointment at a location other than premises licensed as a massage establishment. It includes massage therapists who provide off-premises massage services and who are self-employed and/or who contract with or work for a business other than a massage establishment;

N. "State-approved school" means any school or institution within the United States, which is approved by the state in which it resides, for the teaching of massage;

O. "Specified anatomical areas" shall mean pubic region, human genitals; perineum, anus and the areola and nipple of the female breast. (Ord. 3025 § 1, 2005; Ord. 2408 § 1, 1990; Ord. 2307 § 1, 1989; Ord. 2256 § 2, 1988; Ord. 1312 § 2, 1970; prior code § 9.33).

5.36.035 Holistic health practitioner – Refundable fee.

Repealed by Ord. 3025 § 1, 2005. (Ord. 2547 § 2, 1993).

5.36.040 Rules of construction of provisions – Liability – Scope – Compliance required.

This chapter shall be construed liberally in order to effectuate its purposes. Unless otherwise specifically prescribed in this chapter, the following provisions shall govern its interpretation and construction:

A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

B. Time is of the essence in this chapter. No license or permit holder shall be relieved of his obligation to comply promptly with any provision of this chapter by any failure of the city to enforce prompt compliance with any of its provisions.

C. Any right or power conferred or duty imposed upon any officer, employee, department or board of city is subject to transfer by operation of law to any other officer, employee, department or board of city.

D. No license or permit holder shall have any recourse whatsoever against the city for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or the enforcement thereof.

E. This chapter does not relieve any license or permit holder or of any requirement of the city Charter or of any ordinance, rule, regulation or specification of the city.

F. No license or permit holder possessing such a license or permit as of the effective date of this chapter shall be relieved of his obligation to comply fully with the provisions of this chapter within the reasonable time established herein. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.32).

5.36.050 License – Required.

It is unlawful for any person to engage in, conduct, carry on or permit to be engaged in, conducted or carried on in or upon any premises within the city a massage establishment or holistic health practitioner business without the license required by this chapter. Any person desiring to engage in off-premises massage must obtain an off-premises massage business permit. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.34).

5.36.060 Technician – Permit – Required.

It is unlawful for any person to act as a massage technician or holistic health practitioner without the permit required by this chapter. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.35).

5.36.070 Exceptions to applicability.

The requirements of CVMC 5.36.050 et seq. shall have no application and no effect upon and shall not be construed as applying to any persons designated as follows: Physician, surgeon, chiropractor, osteopath, acupuncturist, aesthetician, barber, cosmetologist, exercise physiologist, manicurist, occupational therapist, physical therapist, hair stylist, or any registered or licensed vocational nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice their respective professions in the state, nor shall the requirements of CVMC 5.36.050 et seq. apply to any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the Business and Professions Code of the state or of any other law of this state. All individuals who use a massage specialty and therapeutic approach in caring for clients while under the “control and direction” of the exempted classes of individuals as listed above, must have a valid massage technician or holistic health practitioner permit and comply with the requirements of this chapter. Practical nurses or other persons without qualifications as massage technicians, holistic health practitioners, or other persons not otherwise licensed by the state to practice pursuant to the Medical Practice Act, whether employed by physicians, surgeons, chiropractors or osteopaths or not, may not give massages or massage procedures.

For the purpose of this section any individual using massage specialty and therapeutic approach in caring for clients is considered under the “control and direction” of an exempt class individual only when a member of that exempt class is physically present on the establishment premises where the massage is being administered. (Ord. 3025 § 1, 2005; Ord. 2307 § 2, 1989; Ord. 1312 § 2, 1970; prior code § 9.36).

5.36.075 Massage and holistic health establishment permit and posting requirements – Name tags.

A. The massage or holistic health establishment business permit, public health permit, and a copy of the permit of each massage therapist and holistic health practitioner working in the establishment shall be displayed in an open and conspicuous public place on the premises.

B. Each massage therapist and holistic health practitioner must wear a name tag on their outermost garment when working in the establishment. The name tag must contain the therapist or practitioner’s name as it appears on the police permit.

C. It is unlawful for any massage or holistic health establishment to employ or permit any person to act as a massage therapist or holistic health practitioner who does not possess a valid massage therapist or holistic health practitioner permit. (Ord. 3025 § 1, 2005).

5.36.080 Massage and holistic health establishment hours and services.

A. It is unlawful for any responsible person to allow the establishment to be open between the hours of 10:00 p.m. and 6:00 a.m. All customers, patrons and visitors must be excluded from the premises during those hours.

B. A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The services shall be described in readily understandable language. No services other than those posted are allowed. (Ord. 3025 § 1, 2005).

5.36.085 Massage and holistic health establishments patron’s specified anatomical areas covered – No touching.

A. Each establishment shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patron’s specified anatomical areas. No common use of such covering shall be permitted, and reuse is prohibited unless the covering has been laundered after each use. In addition, no responsible person shall permit a massage to be given unless the patron is covered by the covering provided by the establishment.

B. No responsible person shall permit any person in any area within the massage establishment, which is used by the patrons or which can be viewed by patrons from such an area, unless the person’s specified anatomical areas are fully covered. This subsection does not apply to momentary nudity, occurring in bathrooms, shower areas, or dressing or locker rooms.

C. No permittee shall give a massage in any room with a patron unless the patron’s specified anatomical areas are fully covered with an opaque covering.

D. No responsible person shall permit any person to massage, or intentionally touch the specified anatomical areas of another person.

E. No permittee shall massage or intentionally touch the specified anatomical areas of another person.

F. The responsible person and permittee shall ensure that patrons are advised of this section prior to treatment. The advisal may be:

1. Posted as a documents in the room where the massage is conducted, or
2. Contained in patron intake documents, or
3. Posted in any manner approved by the chief of police. The advisal may paraphrase the language of this section so long as such language is approved by the chief of police. Language quoting these sections need not be pre-approved by the chief of police. (Ord. 3025 § 1, 2005).

5.36.090 Plumbing and electrical requirements for massage and holistic health establishments.

All plumbing and electrical installations in massage and holistic health establishments must be installed under permit and inspection by the building inspection department and such installations shall be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code as adopted by this code. (Ord. 3025 § 1, 2005).

5.36.095 Permit and posting requirements for off-premises massage and holistic health business – Name tags.

A. It is unlawful for any person to engage in off-premises massage or holistic health services who is not in possession of a valid off-premises massage or holistic health business permit.

B. The off-premises massage and holistic health business permit must be displayed in an open and conspicuous place on the licensed business premises.

C. Each permittee must wear a name tag on their outermost garment when providing off-premises massage or holistic health services. The name tag must contain the therapist or practitioner's name as it appears on the police permit. (Ord. 3025 § 1, 2005).

5.36.100 Equipment and cleanliness requirements for off-premises massage and holistic health.

Each permittee shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patron's specified anatomical areas. No common use of such covering shall be permitted, and reuse is prohibited unless the covering has been laundered after each use. In addition, no permittee shall give a massage unless the patron is covered by the covering provided by the permittee. (Ord. 3025 § 1, 2005).

5.36.105 Off-premises massage and holistic health appointment requirements.

A. Any massage conducted in a place not open to public view must be by appointment only.

B. An off-premises massage technician or holistic health practitioner may perform massage without appointment if the massage is conducted in a public place open to view of the public such as in an airport, shopping center kiosk, or salon, or at events such as marathons and street fairs. (Ord. 3025 § 1, 2005).

5.36.110 Massage technician and holistic health practitioner operating requirements.

- A. No massage technician or holistic health practitioner, while performing any task or service associated with the massage or holistic health business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.
- B. No responsible person shall permit and no massage technician or holistic health practitioner shall be on the premises of a massage or holistic health establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the massage technician is fully covered from a point not to exceed four inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exceptions: shorts may be worn so long as they extend down the leg a minimum of three inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. The covering, which includes trousers, pants or shorts, will be of opaque material and will be maintained in a clean and sanitary condition.
- C. No massage technician or holistic health practitioner, while performing any task or service associated with the business of massage, shall massage or intentionally touch the specified anatomical areas of another person.
- D. Each massage technician or holistic health practitioner must wear a name tag when working as a massage technician or holistic health practitioner. The name tag must contain the technician or practitioner's name as it appears on the police permit.
- E. It is unlawful for any massage technician or holistic health practitioner to use towels, linens or instruments during the massage that are not in a clean or in a safe condition.
- F. It is unlawful for any massage technician or holistic health practitioner to provide massage services between 10:00 p.m. and 6:00 a.m..
- G. The permittee shall ensure that patrons are advised of CVMC 5.36.080, prior to treatment. The advisal may be (1) posted as a document in the room where the massage is conducted, or (2) contained in patron intake documents, or (3) posted in any other manner approved by the chief of police. The advisal may paraphrase the language of CVMC 5.36.080, so long as such language is approved by the chief of police. Language quoting these sections need not be pre-approved by the chief of police.
- H. Any off-premises massage or holistic health business permittee who hires, dispatches or contracts with other off-premises massage technicians or holistic health practitioners to do off-premises massage is responsible for ensuring that those technicians or practitioners comply with all applicable regulations in this section. The permittee must also make reasonable efforts to prevent criminal activity by the other technicians or practitioners. In addition to all other grounds, prostitution by such technicians or practitioners is grounds for revoking the permit.
- I. The sale or serving of food or beverage or the conducting of nonmassage business or nonholistic health business is prohibited. (Ord. 3025 § 1, 2005; Ord. 2307 § 3, 1989. Formerly 5.36.075).

5.36.115 Massage establishment, holistic health establishment, massage therapist, holistic health practitioner, off-premises massage business, holistic health business advertising requirements.

A. Each technician, practitioner, establishment, or business licensed under this section shall include the number of their police permit in any advertisement of services appearing in any newspaper, telephone directory, printed advertising medium, or electronic media. The reference does not have to contain the words "police permit." "City of Chula Vista permit number 1111," or similar language, will suffice so long as the correct police permit number is included.

B. Advertising hours other than those allowed in this section is grounds for regulatory action against the permittee. This subsection is regulatory only.

C. In addition to any criminal penalty, a violation of Business and Professions Code Section 17500 (false or misleading statements) is grounds for regulatory action against the permittee. (Ord. 3025 § 1, 2005).

5.36.120 Corporate officers and partners deemed applicants.

Each corporate officer or partner of a massage or holistic health establishment is deemed an applicant for a massage or holistic health permit and each must provide the information required in CVMC 5.36.150. (Ord. 3025 § 1, 2005).

5.36.125 Designation of responsible managing officer – Signature on applications.

An applicant that is a corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. The responsible managing officer may complete and sign all applications on behalf of the corporate officers and partners. (Ord. 3025 § 1, 2005).

5.36.130 County health department inspection and investigation required before issuing massage or holistic health establishment permit.

A. In addition to the requirements of CVMC 5.36.150, any persons desiring to operate a massage or holistic health establishment shall make an application to the County of San Diego, Department of Health Services, for a health permit. An annual nonrefundable fee, the exact amount of which shall be determined and kept on record by the County Department of Health Services, shall accompany the submission of each application to the Department of Health Services to defray the cost of investigation, inspection, and enforcement of the health aspects of this section.

B. Any massage or holistic health establishment permittee failing to renew a health permit within 30 days after its expiration shall be assessed a 10 percent penalty for each month of failure to renew. This penalty shall be added to the cost of the renewal of the health permit fee. The entire sum shall be paid to the Department of Health Services. In no case shall the penalty exceed 60 percent of the renewal fee. The penalty imposed by this section, whether or not the penalty is paid, shall not prevent imposition of any other penalties prescribed by this chapter or prevent prosecution for violation of this chapter. (Ord. 3025 § 1, 2005).

5.36.135 License – Application – Investigation fee required.

Any person desiring to obtain a license to operate a massage or holistic health establishment shall make an application to the city manager. A nonrefundable required fee(s), ~~or the required renewal fee(s),~~ to cover the cost of an investigation, shall accompany the submission of each application. ~~The fee required by this section shall not be required for an application to renew a license granted pursuant to this chapter; provided however, any establishment licensed prior to the effective date of this chapter which was not subject to investigation and report by the chief of police shall be required to pay said fee and said investigation shall be undertaken at the time a license renewal is requested.~~ Such licenses, when issued, shall expire one year from the date of issuance and may be renewed only by filing a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed. Said application fee shall be in addition to any license, permit or fee required under any provisions of this code. (Ord. 3025 § 1, 2005; Ord 2506 § 1 (part), 1992; Ord 2408 § 1 (part), 1990; Ord 1312 § 2 (part), 1970; prior code § 9.37. Formerly 5.36.080).

5.36.140 License tax required – Rate.

Every person operating a massage or holistic health establishment shall pay a license tax in an amount as presently designated, or as may in the future be amended, in the master tax schedule, CVMC 5.07.030. (Ord. 3025 § 1, 2005; Ord. 2408 § 1, 1990. Formerly 5.36.081).

5.36.145 Technician – Permit – Application – Investigation fee.

Any person desiring to obtain a permit to act as a massage technician or holistic health practitioner shall make an application to the city manager. A nonrefundable required fee(s), shall accompany the submission of each application to cover the costs of the investigation. A permit to act as a massage technician or holistic health practitioner does not authorize the operation of a massage or holistic health establishment. Any person obtaining a permit to act as a massage technician or holistic health practitioner who desires to operate a massage establishment must separately apply for a license therefor. A person who applies for a license to operate a massage or holistic health establishment and who desires to act as a massage technician or holistic health practitioner within said massage or holistic health establishment who pays the fees and taxes required by CVMC 5.36.135 and 5.36.140 shall not be required to pay the fee required by this section. (Ord. 3025 § 1, 2005; Ord. 2506 § 1, 1992; Ord. 2408 § 1, 1990; Ord. 1312 § 2, 1970; prior code § 9.38. Formerly 5.36.090).

5.36.150 License or permit – Application – Contents required.

Any applicant for a license or permit under this chapter shall submit the following information:

- A. The full name and any other names ever used by the applicant;
- B. The current residential address and telephone number of the applicant. The previous addresses of applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;

- C. The address of the proposed massage establishment or holistic health practitioner business;
- D. Written proof that the applicant is over the age of 21 years;
- E. Applicant's height, weight, color of eyes and hair;
- F. Two passport photographs at least two inches by two inches, taken within the last six months;
- G. Business, occupation or employment history of the applicant for the five years immediately preceding the date of the application;
- H. The business license or permit history of the applicant. Whether such person, in previously operating in this or another city or state under license or permit, has had such license or permit suspended or revoked, the reason therefor, and the business activity or occupation subsequent to such suspension or revocation;
- I. All arrests and/or convictions and/or nolo contendere (no contest) and guilty pleas except for minor traffic infractions. Charges dismissed pursuant to Penal Code 1203.4(a) must be included. Dates of arrest and/or conviction and/or plea and the court must also be included.
- J. A certificate from a medical doctor licensed to practice in the state of California stating that the applicant has, within 30 days immediately preceding the date of the application, been examined and found to be free of any contagious or communicable disease;
- K. Applicant shall be required to furnish his fingerprints;
- L. Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage technician is taught. The terms "recognized school" or "other institutions of learning" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage technicians; which school requires a resident course of study of not less than 500 hours (massage technician) or 1,000 hours (holistic health practitioner). Schools offering correspondence courses not requiring actual attendance of class shall not be deemed a "recognized school." The city has the right to confirm the fact that the applicant has actually attended classes in a recognized school for the aforementioned minimum time periods. Proof of successful completion of a national certification exam administered by a national professional certification organization approved by the chief of police. The exams administered by the NCBTMB and NCCAOM are approved by the chief of police;
- M. Such other identification and information as may be required in order to discover the truth of the matters hereinabove specified as required to be set forth in the application. If necessary, the Chula Vista police department may take the fingerprints and additional photographs and confirm the height and weight of the applicant;
- N. If the applicant is a corporation, the name of the corporation exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation and names and residential addresses of each of its current officers and directors, and of each stockholder holding more than five percent of the stock of the corporation;

O. If the applicant is a partnership, the name and residential addresses of each of the partners, including limited to partners;

P. If the applicant is limited partnership, a copy of the limited partnership's certificate of limited partnership as filed with the County Clerk;

Q. If one or more of the limited partners is a corporation, the applicant shall provide the information about that partner;

R. If the applicant is a corporation or partnership, the name of the responsible managing officer. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.39. Formerly 5.36.100).

5.36.155 Grounds for denial of massage establishment permit, holistic health establishment permit, off-premises business permit, massage therapist permit, holistic health practitioner permit.

In addition to the grounds for denial stated in CVMC 5.02.200, an application for a massage establishment permit, holistic health establishment permit, off-premises business permit, massage therapist permit or holistic health practitioner permit shall be denied for any of the following reasons:

A. The applicant has within 10 years immediately preceding the date of the filing of the application, been convicted of any of the following offenses:

1. Any offense described in California Penal Code Sections 266h, 266i, 315, 316, 318, 653.22, or 647(a), 647(b), 647(k)(1), 647(k)(2), or 647(k)(3).
2. Any offense described in California Penal Code, Part One, Title 9, Chapters 7.5 and 7.6; or the applicant has within five years immediately preceding the date of filing of the application been convicted of: a charge of violating any lesser included or lesser related offense, including California Penal Code Section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed above.
3. The applicant has been convicted of any offense, which requires registration as a sex offender under California Penal Code Section 290 or where registration pursuant to Penal Code Section 290 was part of the imposed sentence.

B. Arrests for any of the above violations may also be grounds for denial. (Ord. 3025 § 1, 2005).

5.36.160 Renewal of massage therapist or holistic health practitioner permit.

A. Renewal of a Permit Shall Be Annual. All current massage therapists, holistic health practitioners, off-premises massage technicians and off-premises holistic health practitioners working in the city of Chula Vista, must renew license annually.

B. Additionally, in order to renew a massage technician, holistic health practitioner, off-premises massage or holistic health business permit, the permittee must provide proof of 12 hours of continuing education in massage therapy. The continuing education hours must be obtained from a facility or organization approved by the NCBTMB, NCCAOM, or a state-approved school or any other certification organization recognized by the chief of police.

C. Additionally, the permittee must show proof that the permittee's national certification is current. Proof from NCBTMB, NCCAOM, or any other certification organization recognized by the chief of police, is sufficient. (Ord. 3025 § 1, 2005).

5.36.165 Equipment and cleanliness requirements for massage and holistic health establishments.

A. Disinfecting agents and sterilizing equipment must be used to ensure that any instruments used in performing any massage are clean and safe.

B. Pads used on massage tables must be covered in a workmanlike manner with durable, washable plastic or other waterproof material.

C. Cleanable and nonabsorbent waste containers with tight-fitting covers shall be provided for the storing of all waste matter and shall be maintained in a clean and sanitary condition.

D. Closed cabinets or containers shall be provided for the storage of laundered towels and linens. Nonabsorbent containers or laundry bags shall be provided for damp or soiled linen, and linen shall be kept therein until removed for laundering.

E. All establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination. (Ord. 3025 § 1, 2005).

5.36.170 Facilities – Required generally.

No license to conduct a massage or holistic health establishment shall be granted unless an inspection by the city manager reveals that the proposed establishment complies with each of the following minimum requirements:

A. A recognizable and legible sign shall be posted at the main entrance identifying the premises as a massage or holistic health establishment;

B. Minimum lighting shall be provided in accordance with the building code of the city and, in addition, at least one artificial light of not less than 60 watts shall be provided in each room or enclosure where massage services are performed on patrons;

C. Minimum ventilation shall be provided in accordance with the building code of the city;

D. Equipment approved by the health department for disinfecting and sterilizing instruments used in performing acts of massage shall be provided;

E. Hot and cold running water shall be provided at all times;

F. Closed cabinets shall be provided, which cabinets shall be utilized for the storage of clean linen;

G. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed;

H. Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, and a minimum of one toilet and one wash basin shall be provided by every massage or holistic health establishment; provided however, that if male and female patrons are to be served simultaneously at said establishment, a separate massage room or rooms, separate dressing facilities and separate toilet facilities shall be provided for male and female patrons. Further, in those establishments where steam rooms or sauna baths are provided if male and female patrons are to be served simultaneously, separate steam rooms or sauna rooms shall be provided for male and female patrons;

I. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned and disinfected with a disinfectant approved by the health department each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected with a disinfectant approved by the health department after each use;

J. Clean and sanitary towels and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted;

K. A minimum of one separate wash basin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin, sanitary towels placed in permanently installed dispensers.

This section shall be construed to require minimum standards only. All applicable provisions of this code have full force and effect. The applicant shall be required to comply with all applicable provisions of this code. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.40. Formerly 5.36.110).

5.36.175 License or permit – Issuance prerequisites – Appeal of denial – Transferability.

A. Any applicant for a permit pursuant to these provisions shall present to the police department the application containing the aforementioned and described information. The chief of police shall have a maximum time period of 90 days in which to investigate the application and the background of the applicant. Based on such investigation, the chief of police, or his representative, shall render a recommendation as to the approval or denial of the permit to the city manager or his designee.

B. The department of building and housing, the fire department and the county health officer shall inspect the premises proposed to be devoted to the massage or holistic health establishment and shall make separate recommendations to the city manager or designee concerning compliance with the foregoing provisions.

C. The city manager, or his designee, after receiving the aforementioned and described recommendations, shall grant a permit to the establishment if all requirements for a

massage or holistic health establishment described herein are met, and shall issue a permit to all persons who have applied to perform massage services unless it appears that any such person has deliberately falsified the application or unless it appears that the record of any such person reveals a conviction of a felony or a crime of moral turpitude. The city manager or designee may recommend to the city council that an individual business establishment shall be subject to a public hearing and council approval, when in his judgment any such business establishment has an effect upon the public health, safety or welfare of the community.

D. Any person denied a permit by the city manager or his designee pursuant to these provisions shall be notified pursuant to Chapter 1.40 CVMC regarding an appeal why the permit should be granted. The decision pursuant to Chapter 1.40 CVMC shall be final upon the applicant. Also, the city council may elect on its own motion to review any determination of the city manager granting or denying a permit, in which case, that decision shall then constitute the exhaustion of administrative remedy.

E. All permits issued hereunder are nontransferable; provided however, a change of location of a massage establishment may be permitted pursuant to the provisions herein. (Ord. 3025 § 1, 2005; Ord. 2790, 1999; Ord. 2718 § 1, 1998; Ord. 1312 § 2, 1970; prior code § 9.42. Formerly 5.36.130).

5.36.180 Name of business.

No person licensed to do business as herein provided shall operate under any name or conduct his business under any designation not specified in this permit. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.44. Formerly 5.36.150).

5.36.190 Change of location – New application Fee required.

~~A change of location of a licensed massage or holistic health establishment may be approved by the city manager provided all applicable provisions of this code are complied with and a change of location required fee(s) has been paid to city, to cover the costs of investigation shall deem the permit and license null and void. A new application shall be made by any person, firm or entity desiring to operate the massage or holistic health establishment in a different location in the city.~~ (Ord. 3025 § 1, 2005; Ord. 2506 § 1, 1992; Ord. 2408 § 1, 1990; Ord. 1312 § 2, 1970; prior code § 9.45. Formerly 5.36.160).

5.36.200 Sale or transfer of business – Effect – Fee for transfer of interest.

A. Upon the sale or transfer of any interest in a massage or holistic health establishment, the permit and license shall be null and void. A new application shall be made by any person, firm or entity desiring to own or operate the massage or holistic health establishment. The required fee(s) shall be payable for each such application involving sale or other transfer of any interest in an existing massage or holistic health establishment. The provisions of CVMC 5.36.150 shall apply to any person, firm or entity applying for a massage or holistic health establishment permit for premises previously used as such establishment.

B. Any such sale or transfer of any interests in an existing massage or holistic health establishment or any application for an extension of the building or other place of

business of the massage or holistic health establishment, shall require inspection and shall require compliance with CVMC 5.36.170. (Ord. 3025 § 1, 2005; Ord. 2506 § 1, 1992; Ord. 2408 § 1, 1990; Ord. 1312 § 2, 1970; prior code § 9.46. Formerly 5.36.170).

5.36.205 Employment of persons not possessing permits prohibited.

It is unlawful for the holder of a license to operate a massage or holistic health establishment to employ or otherwise allow a person who has not obtained a valid massage technician's or holistic health practitioner's permit to practice acts of massage. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.47. Formerly 5.36.180).

5.36.210 Records of treatment to be kept – Confidentiality required – Disclosure deemed misdemeanor – Penalty.

Every person, association, firm or corporation operating a massage or holistic health establishment under a license as herein provided shall keep a record of the date and hour of each treatment, the name and address of the patron, and the name of the technician administering such treatment. Said record shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this code, in addition to any other penalties provided by law. Identical records shall be kept of treatments rendered off the business site, and, in addition, shall describe the address where the treatment was rendered. Said records shall be maintained for a period of two years. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.48. Formerly 5.36.190).

5.36.220 Inspection required four times per year.

The departments of building inspection, housing, fire, health, and police shall, from time to time and at least four times each year, make an inspection of each massage establishment in the city for the purpose of determining that the provisions of this code are met. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.49. Formerly 5.36.200).

5.36.230 Off-premises massages – Permitted when.

It is unlawful for any person to engage in, conduct, carry on or permit to be engaged in, conducted or carried on the business of massage in any hotel room, motel room, guest-house or other place of public accommodation.

A. It is unlawful for any persons to engage in, or operate an off-premises massage or holistic health business without an off-premises massage or holistic health business police permit.

B. Any persons possessing an off-premises massage or holistic health business permit is also permitted to operate as a massage therapist or holistic health practitioner.

C. Any person desiring to operate an off-premises massage or holistic health business, but who will not provide massage services may obtain an off-premises massage or holistic health business permit so long as the following conditions are met:

1. The person meets the application requirements for an off-premises massage business permit except for the education requirements.

D. This section shall not be construed to:

1. Prohibit maintaining a licensed massage or holistic health establishment upon the premises of a place of public accommodation; or
2. Prevent the holder of a license or the holder of a permit employed by the holder of a license issued pursuant to this chapter from giving or administering massages within hospitals, convalescent centers, rest homes or the private home of a patron. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.50. Formerly 5.36.210).

5.36.235 Applicability of provisions.

The provisions of this chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after January 23, 1971. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.51. Formerly 5.36.220).

5.36.240 License or permit – Grounds for suspension or revocation.

In the event that any person holding a license or permit issued pursuant to this chapter violates or causes or permits to be violated any of the provisions of this chapter, or any provision of any other ordinance or law relating to or regulating said business or occupation, or conducts or carries on such business or occupation in an unlawful manner, the city manager, may, in addition to other penalties provided by ordinance, suspend or revoke the license or permit issued pursuant to this chapter. For the purpose of this section, a criminal court conviction shall not be required to support a finding of a violation of any law. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.52. Formerly 5.36.230).

5.36.245 License or permit – Suspension, revocation or denial – Public hearing.

Before denying, suspending or revoking a license or permit issued pursuant to this chapter, the city manager shall offer the applicant or permittee a hearing as provided in Chapter 1.40 CVMC. (Ord. 3025 § 1, 2005; Ord. 2718 § 1, 1998; Ord. 1312 § 2, 1970; prior code § 9.53. Formerly 5.36.240).

5.36.250 Hearing – Notice required.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.54).

5.36.260 Hearing – Procedure generally.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.55).

5.36.270 Hearing – Rules of evidence.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.56).

5.36.280 Hearing – Decision of determination.

At the conclusion of the hearing, the city manager shall make an order. Such order can:

- A. Dismiss the charges;
- B. Suspend or revoke the license or permit; or

C. Affix such other conditional and probationary orders as may be proper for the enforcement of this chapter. A copy of the decision specifying findings of fact and the reasons for the decision shall be furnished to the license or permit holder. (Ord. 3025 § 1, 2005; Ord. 1312 § 2, 1970; prior code § 9.57).

5.36.290 Effect of decision stayed when.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.58).

5.36.300 Hearing – Not required when – Effect.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.59).

5.36.310 Appeal – Petition required.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.60).

5.36.320 Appeal – Public hearing – Notice – Effect of decision.

Repealed by Ord. 2718 § 1, 1998. (Ord. 1312 § 2, 1970; prior code § 9.61).

5.36.325 Unlawful operation declared nuisance.

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The city attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof, in the manner provided by law. The city attorney shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as shall abate or remove such massage establishment and restrain and enjoin any person from operating, conducting, or maintaining, a massage establishment contrary to the provisions of this chapter. (Ord. 3025 § 1, 2005).

5.36.330 Violation – Penalty.

A. Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage or holistic health establishment or room, or who does or practices any of the other things or acts mentioned in this chapter without first obtaining a permit and paying for a license so to do from the city, or shall violate any provision of this chapter is guilty of a misdemeanor.

B. Any owner, operator, manager, or permittee in charge or in control of a massage or holistic health establishment who knowingly employs a person performing as a massage technician or holistic health practitioner as defined in this chapter who is not in possession of a valid permit, or who allows such an employee to perform, operate or practice within such a place of business, is guilty of a misdemeanor.

C. Any massage or holistic health establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, revoke the business license pursuant to the

procedure set forth in CVMC 5.36.240, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining a massage or holistic health establishment contrary to the provisions of this chapter. (Ord. 3025 § 1, 2005; Ord. 2256 § 3, 1988; Ord. 1312 § 2, 1970; prior code § 9.62).

5.36.340 Operative date – Grandfather clause.

All persons holding a (1) valid massage technician permit, (2) valid holistic health practitioner permit, or (3) an off-premises massage permit and a (1) current business tax certificate or (2) proof of employment as a massage technician or holistic health practitioner within the city of Chula Vista on November 1, 2005, will have one year from the date of adoption of the ordinance codified in this chapter to meet the requirements contained in CVMC 5.36.150(L). (Ord. 3025 § 1, 2005).

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE CREATING NEW
FEES FOR FIREARMS DEALERS

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to business fees relating to firearm dealers necessary to ensure the City recovers the estimated reasonable cost of providing business regulatory services consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for business regulatory services provided relating to firearm dealers, the Council wishes to amend Chapter 4 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

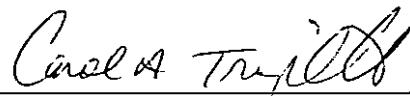
WHEREAS, the proposed amendments to Chapter 4 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 4 (Business) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Maria Kachadoorian
Director of Finance/ Treasurer

Approved as to form by



Glen R. Googins for Chance Hurdless
City Attorney



MASTER FEE SCHEDULE
Chapter 4 – Business Fees
General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

May-December
2019/3

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|-------------------|-------|
| Application | \$100 |
|-------------------|-------|

3. Bingo – New and Renewal

| | |
|----------------------|------|
| Chairperson | \$50 |
| Co-Chairperson | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

6. Firearms Dealer

| | |
|----------------------|-------|
| Application | \$365 |
| Annual renewal | \$310 |

6-7. Fraternal Society Gameroom

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

7-8. Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8-9. Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

9-10. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10-11. Massage Establishment

| | |
|--------------------------------------|-------|
| Application | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

11-12. Massage Technician

| | |
|-------------------|------|
| Work permit | \$30 |
|-------------------|------|

12-13. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13-14. Pawnbroker

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

14-15. Peddler

| | |
|-------------------|------|
| Application | \$10 |
|-------------------|------|

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTION 5.28.010 OF THE CHULA VISTA MUNICIPAL
CODE TO AUTHORIZE THE COLLECTION OF FIREARMS
DEALER LICENSE ANNUAL FEES AND SECTION 5.28.015
TO REQUIRE ANNUAL INSPECTIONS OF FIREARMS
DEALERS BY THE POLICE DEPARTMENT

WHEREAS, the State of California Penal Code permits local licensing authorities to assess fees to recover their full costs of processing applications for a firearms dealer license; and,

WHEREAS, the existing City of Chula Vista ordinance relating to Firearms Dealers precludes the city from collecting a fee; and,

WHEREAS, the Police Department must complete an inspection of the firearms dealer business as part of the approval process.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain as follows:

Section I.

Chula Vista Municipal Code Chapter 5.28 is hereby amended to read as shown in attachment A.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

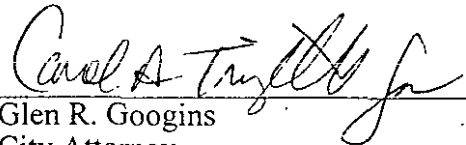
Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

David Bejarano
Chief of Police

Approved as to form by:


Glen R. Googins
City Attorney

Chapter 5.28

FIREARMS SALES*

Sections:

5.28.010 License required – Statutory authority applicable.

5.28.015 Annual inspection required

5.28.020 Purpose.

5.28.030 Definitions.

5.28.040 Provision of safe firearm storage device.

5.28.050 Provision of safe firearm storage materials.

5.28.060 Acknowledgment of receipt by purchaser.

5.28.070 Representations.

5.28.080 Exceptions.

* For statutory authority for cities to license businesses for purposes of revenue and regulation, see Gov. Code § 37101.

5.28.010 License required – Statutory authority applicable.

No person shall engage in the business of selling, or otherwise transferring, or advertise for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the chief of police, which license shall be issued in accordance with the conditions and provisions contained in ~~Article 4, Chapter 1, Title 2, Part 4 of the Penal Code, commencing at Section 12070~~ Article 1, Chapter 2, Division 6, Title 4, Part 6 of the Penal Code, commencing at Section 26700. ~~There shall be no charge for the issuance of this license. In accordance with Penal Code Section 26705(d), a nonrefundable required fee(s), or the required renewal fee(s), shall accompany the submission of each license application. Such licenses, when issued, shall expire one year from the date of issuance and may be renewed only by filing a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed.~~ (Ord. 750, 1961).

5.28.015 Annual inspection required

The chief of police, or his designee, shall inspect each firearms dealer in the city for the purpose of determining that the provisions of Penal Code Section 16575 are met. No license to conduct business as a firearms dealer shall be granted unless an inspection reveals that the business complies with all provisions. An inspection must be completed at least once per year at the time of license application or renewal.

5.28.020 Purpose.

The purpose of this section related to trigger lock and safe firearm storage is to reduce the incidents of accidental gun deaths caused by the unintentional discharge of a loaded firearm. Ten (10) percent of all gun deaths in the United States are caused by accidental or unintentional discharge of a loaded firearm. One out of three deaths from accidental

firearm discharges could be prevented by a firearm safety device. Most children who accidentally injure or kill themselves or a friend do so while playing with a loaded firearm found in their home or a friend's home. The number of accidental deaths and injuries attributed to firearms and other weapons is unacceptable and warrants stricter control over the handling and storage of lawful firearms. Firearm owners have a responsibility to keep the public safe from the consequences associated with the proliferation and unsafe storage of firearms. Trigger locks or other similar devices, when properly used, can prevent the accidental discharge of firearms. This city has an interest in encouraging firearm owners to store their firearms in a safe manner and out of the reach of children. (Ord. 2774 § 1, 1999).

5.28.030 Definitions.

For the purposes of this chapter, the below terms are defined as follows:

A. "Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of explosion or other form of combustion.

B. "Firearm dealer" means any person licensed by the city pursuant to California Penal Code Section 12071 for the retail sale of firearms within the city of Chula Vista. "Firearm dealer" shall not include persons involved in transactions excluded under California Penal Code Section 12070.

C. "Safe firearm storage device" or "safe storage device" shall mean any of the following devices, the proper use of which will prevent the unintentional discharge of the firearm:

1. A lockable hard plastic or metal box capable of covering the whole of the firearm sold. The box shall have, or shall be provided with, a lock.
2. A soft case with an outer shell made with a heavy canvas or ballistic nylon capable of covering the whole firearm sold. The case shall have a zipper capable of being locked shut. The soft case shall have, or shall be provided with, a lock.
3. Any type of reusable locking device that is capable of rendering the firearm sold, leased, or transferred inoperable, when properly installed by keeping the trigger from releasing the sear, thereby dropping the firing pin, or locking the action of the firearm open so it will not go into battery. Any device integrated into the firearm by the manufacturer which meets the criteria of this paragraph shall qualify as a safe firearm storage device.
4. All locks or locking devices sold, furnished or made available in order to comply with the provisions of this chapter shall have a key or a combination with at least three tumblers.

A firearm "safety" shall not be considered a safe storage device for purposes of this chapter. (Ord. 2774 § 1, 1999).

5.28.040 Provision of safe firearm storage device.

A. It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without also providing with the firearm a safe firearm storage device

designed to prevent the unintentional discharge of the firearm being sold, leased, or transferred.

B. The safe firearm storage device shall be locked in place, properly attached to, or properly covering, the firearm at the time it leaves the firearm dealer's premises.

C. Nothing in this chapter shall prevent the firearm dealer from recovering the cost of providing a safe firearm storage device by charging a price for the safe storage device, either separately or as part of the price of the firearm. (Ord. 2774 § 1, 1999).

5.28.050 Provision of safe firearm storage materials.

It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without providing with the firearm printed material, approved by the chief of police, that advises the user of safe firearm storage practices. (Ord. 2774 § 1, 1999).

5.28.060 Acknowledgment of receipt by purchaser.

In connection with the sale, gift, loan or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgment that a trigger locking or similar device required by CVMC 5.28.030, and the printed material required by CVMC 5.28.050, has been provided with the firearm. The acknowledgment shall be in a form approved by the chief of police. The firearm dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by state law for other firearm transaction records. (Ord. 2774 § 1, 1999).

5.28.070 Representations.

A firearm dealer who has fully complied with the provisions of this section relating to trigger locking or similar devices shall not be presumed to have made any representation to the transferee regarding the safety or appropriateness of the use of the trigger locking or similar device, nor shall the firearm dealer be liable in any civil action brought against the firearm dealer, to the extent such liability would be based solely upon the act of furnishing the trigger locking or similar device to a person in compliance with this section. (Ord. 2774 § 1, 1999).

5.28.080 Exceptions.

A. The requirements of CVMC 5.28.040, 5.28.050 and 5.28.060 shall not apply to firearms that have been determined by the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, to be curios or relics under federal law.

B. The requirements of CVMC 5.28.040, 5.28.050 and 5.28.060 shall not apply to firearms rented at a licensed range for use on the range and shall not apply to temporary lending transactions in which the firearm does not leave the premises of the firearm dealer. (Ord. 2774 § 1, 1999).

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE RELATING TO
BINGO LICENSE APPLICATION FEE REFUNDS

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS does not identify any cost savings to the City resulting from denied bingo license applications; and

WHEREAS, refunding a portion of the bingo license application fees to denied applicants reduces cost recovery for this activity; and

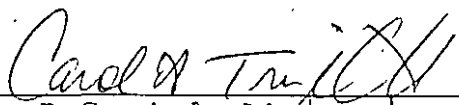
WHEREAS, the proposed amendments to Chapter 4 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 4 (Business) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer



Glen R. Googins
City Attorney



MASTER FEE SCHEDULE
Chapter 4 – Business Fees
General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

May-December
2019

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|-------------------|-------|
| Application | \$100 |
|-------------------|-------|

3. Bingo – New and Renewal

| | |
|----------------------|------|
| Chairperson | \$50 |
| Co-Chairperson | \$27 |

~~In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.~~

4. Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

5. Casino Parties

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

6. Fraternal Society Gameroom

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

7. Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8. Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

9. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10. Massage Establishment

| | |
|--------------------------------------|-------|
| Application | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

11. Massage Technician

| | |
|-------------------|------|
| Work permit | \$30 |
|-------------------|------|

12. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13. Pawnbroker

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

14. Peddler

| | |
|-------------------|------|
| Application | \$10 |
|-------------------|------|

15. Public Dance

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTION 9.12.160 OF THE CHULA VISTA MUNICIPAL
CODE RELATING TO BINGO LICENSE APPLICATION FEE
REFUNDS

WHEREAS, Section 9.12.160 (B) of the Chula Vista Municipal Code requires the payment of an application fee with each bingo license application and states that “In the event an application is denied, 50 percent of the investigation fee shall be refunded;” and

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS does not identify any cost savings to the City resulting from denied bingo license applications; and

WHEREAS, refunding a portion of the bingo license application fees to denied applicants reduces cost recovery for this activity.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I.

Chula Vista Municipal Code section 9.12.160 (B) is hereby amended to remove the partial refund requirement for denied applications, and shall read as follows:

9.12.160 Bingo – Term of license and fees.

B. For a new license application or for each change in the bingo chairpersons who will manage the bingo game, there shall be a non-refundable fee for investigation and for processing the applicant’s fingerprints. The required fee(s) shall accompany the submission of each application.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

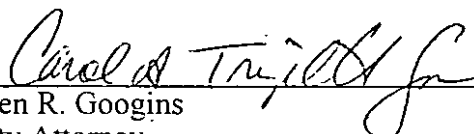
Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

Maria Kachadoorian
Finance Director/Treasurer

Approved as to form by:


Glen R. Googins
City Attorney

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE RELATING TO
PAWNBROKERS, SECONDHAND AND JUNK STORE
DEALERS

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to business fees relating to pawnbrokers, secondhand and junk store dealers necessary to ensure the City recovers the estimated reasonable cost of providing business regulatory services-consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for business regulatory services provided relating to pawnbrokers, secondhand and junk store dealers, the Council wishes to amend Chapter 4 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

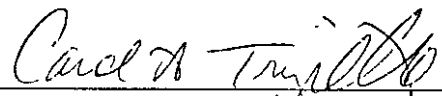
WHEREAS, the proposed amendments to Chapter 4 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 4 (Business) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer



Glen R. Googins
City Attorney *for Chancel Hankins*



MASTER FEE SCHEDULE
Chapter 4 – Business Fees
General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

May-December
20103

GENERAL BUSINESS

1. Business License Fees, General

Duplicate license\$5.00
Change of location\$12
Home Occupation Permit\$25

Business resource and energy evaluation

Non-compliance fine, greater of.....\$15
or 5% of business license fee

2. Sales, Special

Closing out sale, first 60 days.....\$30
Closing out sale, one 30 day extension.....\$15
Special sales event.....\$45
Temporary outside sales event.....\$45

SPECIFIC BUSINESS

1. Art Figure Studio

Application.....\$100
Work permit, model\$25

2. Bath House

Application.....\$100

3. Bingo – New and Renewal

Chairperson.....\$50
Co-Chairperson.....\$27

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

Application.....\$500
Work permit, card room manager.....\$50
Work permit, card room employee\$30
Annual renewal, card room manager\$20
Annual renewal, card room employee\$10

5. Casino Parties

Application.....\$50

6. Fraternal Society Gameroom

Application.....\$50

7. Holistic Health Practitioner

Investigation fee\$100

Investigation fee is refundable upon issuance of a business license.

8. Junk Dealer

Application.....\$80315
Renewal, every 2 years.....\$100

Work permit, employee ID card.....\$30

Work permit, change of address/replacement.....\$10

9. Live Entertainment

Investigation fee\$150

Investigation fee is refundable upon issuance of a business license.

10. Massage Establishment

Application.....\$150
Sale/transfer, filing fee\$25
Change of location, filing fee.....\$25

11. Massage Technician

Work permit.....\$30

12. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13. Pawnbroker

Application.....\$80315
Renewal, every 2 years.....\$100

Work permit, Pawnshop employee ID card

Application.....\$30165

Annual renewal.....\$70

Work permit, eChange of address/replacement\$10

14. Peddler

Application.....\$10

15. Public Dance

Application.....\$50

16. Second Hand Dealer

Application.....~~\$80~~\$15

Renewal, every 2 years.....\$100

Work permit, employee ID card.....\$30

Work permit, change of address/replacement.....\$10

17. Solicitor

Application.....\$10

Work permit, ID card, annual\$15

18. Transient Merchant

Application.....\$10

19. Alcoholic Beverage Control (ABC)
Determination of Public Convenience or
Necessity

The filing fee shall be the City's full cost including
overhead. At time of filing a deposit shall be
required.

Filing deposit.....\$250

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTION 5.38.030 OF THE CHULA VISTA MUNICIPAL
CODE TO AUTHORIZE THE COLLECTION OF
PAWNBROKER, SECONDHAND AND JUNK STORE
DEALER LICENSE BIENNIAL RENEWAL FEES AND
SECTION 5.38.120 TO AUTHORIZE THE COLLECTION OF
PAWNSHOP EMPLOYEE IDENTIFICATION CARD ANNUAL
RENEWAL FEES

WHEREAS, the State of California Business and Professions Code 21641 permits local licensing authorities to assess fees to recover their full costs of processing applications for pawnbrokers, secondhand, or junk store dealers; and,

WHEREAS, the State of California Department of Justice license for a pawnbroker, secondhand, or junk store dealer is valid for two years; and,

WHEREAS, the existing City of Chula Vista Municipal Code Section 5.38.030 relating to Pawnbrokers, Secondhand, and Junk Store Dealers does not specify the term of a license; and,

WHEREAS, the existing City of Chula Vista Municipal Code Section 5.38.120 relating to pawnshop employee identification cards does not specify the valid term of a card.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain as follows:

Section I.

Chula Vista Municipal Code Chapter 5.38 is hereby amended to read as shown in attachment A.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

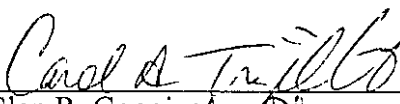
Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

David Bejarano
Chief of Police

Approved as to form by:



Glen R. Googins
City Attorney *for Chance Hawkins*

Chapter 5.38

PAWNBROKERS, SECONDHAND AND JUNK STORE DEALERS*

Sections:

- 5.38.010 License – Required – Taxes – Prerequisites – Scope.
- 5.38.020 Definitions.
- 5.38.030 License – Permit prerequisite – Investigation fee – Application – Contents required.
- 5.38.040 Pawnbroker or secondhand dealer – Records to be kept.
- 5.38.050 Pawnbroker, junk or secondhand dealer – Reports required – Time.
- 5.38.060 Pawnbroker or secondhand dealer – Records and reports – Contents required.
- 5.38.070 Junk dealer or collector – Records to be kept.
- 5.38.080 Use of fictitious name prohibited.
- 5.38.085 Transacting business with minors prohibited.
- 5.38.090 Disposal of merchandise – Restrictions.
- 5.38.100 Hours and days for conducting business.
- 5.38.110 Exceptions to applicability – Donations.
- 5.38.120 Pawnshop – Employee identification card required.
- 5.38.130 Junkyard, secondhand dealer or auto wrecker – Compliance required – Generally.
- 5.38.140 Junkyard, secondhand dealer or auto wrecker – Enclosure required.
- 5.38.150 Junkyard, secondhand dealer or auto wrecker – Gates on fence.
- 5.38.160 Junkyard, secondhand dealer or auto wrecker – Permitted height of stored materials.
- 5.38.170 Junkyard, secondhand dealer or auto wrecker – Signs or materials not permitted where.
- 5.38.180 Junkyard, secondhand dealer or auto wrecker – Inflammable liquids to be drained from vehicles.
- 5.38.190 Junkyard, secondhand dealer or auto wrecker – Inspection requirements.
- 5.38.200 Junkyard, secondhand dealer or auto wrecker – Compliance required – License prerequisite.
- 5.38.210 License – Revocation or suspension when.
- 5.38.220 License – Public hearing on suspension/revocation.

- * For statutory provisions authorizing cities to license businesses for purposes of revenue and regulation, see Gov. Code § 37101; for statutory provisions authorizing cities to license businesses in the exercise of police power, see Bus. and Prof. Code §§ 16000 – 16003.

For provisions regarding auctions and auctioneers, see state law.

5.38.010 License – Required – Taxes – Prerequisites – Scope.

Every person conducting, engaging in, or carrying on the business of pawnbroker or junk or secondhand dealer or collector shall possess a valid, existing and unrevoked license therefor. Such license or licenses shall be issued by the director of finance of the city upon the payment of a tax as presently designated, or as may in the future be amended, in Section 5.38.010 of the master tax schedule in CVMC 5.07.030; provided, however, that said director of finance shall not issue any such license without the consent in writing first having been had and obtained from the chief of police and presentation of the police permit, as required pursuant to the provisions of CVMC 5.38.020, et seq. Nothing in this section or this chapter contained shall be deemed or construed to apply to the loaning of money on personal property or personal security by any bank authorized to do so under the laws of the state. (Ord. 2408 § 1, 1990; Ord. 1560 § 1, 1974; Ord. 1462 § 1, 1973; Ord. 1294 § 1, 1970; Ord. 1009 § 1, 1966; prior code § 18.62).

5.38.020 Definitions.

For the purpose of this chapter and the licensing requirements of CVMC Title 5, the following definitions shall apply:

A. "Auto recycler" means and is any person engaged in the purchasing of motor vehicles or used motor vehicle parts or used motor vehicle motors, as the term "motor vehicle" is defined in the California Vehicle Code, for the purpose of reconditioning and salvaging, or dismantling or disassembling, parts, materials, tires and accessories; for the purpose of reconditioning any other motor vehicle, or selling or otherwise dealing in the materials or parts of motor vehicles; or for the resale of such items. Any person who has dismantled three or more motor vehicles for the above purposes during any one calendar year shall be classified as an auto recycler.

B. "Junk collector" means and is defined as a person not having a fixed place of business in the city who goes from house to house, or from place to place, gathering, collecting, buying, selling or otherwise dealing in any old rags, sacks, bottles, cans, papers, metal (including gold or mercury), or other articles commonly known as junk.

C. "Junk dealer" means and is defined as a person, not an auto wrecker, having a fixed place of business in the city and engaged in conducting, managing or carrying on the business of buying, selling, or otherwise dealing in old rags, sacks, bottles, cans, papers, metal (including gold or mercury), or other worn or discarded articles, either at wholesale or retail.

D. "Pawnbroker" means and is defined as a person engaged in, conducting, managing or carrying on the business of pawnbroking, or the business of loaning money, for himself or for any other person, upon personal property, or the business of purchasing articles of personal property, and reselling or agreeing to resell such articles to the vendors, or their assigns, at prices agreed upon at or before the time of such purchase.

E. "Pawnshop" means and is defined to be any room, store or place in which any such business is engaged in, carried on, or conducted.

F. "Secondhand dealer" means and is defined as any person buying, selling or otherwise dealing in secondhand goods, wares and merchandise, other than a used car dealer, a dealer in secondhand books or magazines, or secondhand clothing. (Ord. 2037 § 1, 1983; Ord. 1931 § 1, 1981; Ord. 1769 § 1, 1977; Ord. 1008 § 2, 1966; prior code § 17.1).

5.38.030 License – Permit prerequisite – Investigation fee – Application – Contents required.

A. No license shall be issued to any pawnbroker, junk or secondhand dealer in the city as defined herein pursuant to the provisions contained in CVMC 5.38.010 without the written approval and a permit therefor having been obtained from the chief of police. The chief of police shall charge a nonrefundable required fee(s), or the required renewal fee(s), to cover the cost of investigating the applicant. Such licenses, when issued, shall expire two years from the date of issuance and may be renewed only by filing a written request for renewal, accompanied by the license fee and copy of the license to be renewed. Every person wishing to engage in the business of pawnbroker or junk or secondhand dealer shall file an application for a permit, signed by the applicant, with the chief of police, and the application shall show the following information:

1. Permanent home address and full local address of applicant;
2. A brief description of the nature of the business and goods to be sold;
3. A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
4. The fingerprints of the applicant;
5. A statement as to whether or not the applicant has ever been convicted of any offense involving stolen property, and if so, the details in general of such convictions, and specifying the particular crimes or misdemeanors involved and the dates and places of such convictions.

B. In the event that the chief of police, upon investigation, should determine that the issuance of such a permit to the applicant would be detrimental to the public health, safety, and general welfare of the city, either because of the moral character of the applicant or the creation of a policing problem as a result of the establishment of a pawnshop or junk or secondhand shop in a particular location, or showing that an increase in the number of pawnshops or junk or secondhand shops over and above the existing number within the city would be detrimental to the public health, safety and general welfare, said findings shall be prepared in writing and delivered to the applicant. The applicant may, upon receipt of such notice of denial, appeal such denial to the city council, within 10 days of the receipt of the denial, by filing a notice of appeal with the city clerk of the city. The council shall set the matter of the denial for hearing in the same manner as set forth in CVMC 5.38.210 and 5.38.220. (Ord. 2506 § 1, 1992; Ord. 2408 § 1, 1990; Ord. 1961 § 1, 1982; Ord. 1931 § 1, 1981; Ord. 1008 § 2, 1966; prior code § 17.2).

5.38.040 Pawnbroker or secondhand dealer – Records to be kept.

All pawnbrokers and dealers in secondhand articles of every kind, nature and description shall keep a record on forms approved by the chief of police of any and all articles acquired by such persons by purchase, pledge or otherwise. Each transaction shall be kept in chronological order concurrent with the making of said transaction, and shall at all times during ordinary business hours be open to inspection by any police officer of the city. (Ord. 1931 § 1, 1981; Ord. 1008 § 2, 1966; prior code § 17.3(A)).

5.38.050 Pawnbroker, junk or secondhand dealer – Reports required – Time.

A. Every pawnbroker, secondhand and junk dealer, on each day except Sundays and legal holidays, before the hour of 10:00 a.m., shall make and deliver to the chief of police, in writing, upon blank forms of a type and content as approved by the chief of police and provided by said pawnbroker or junk dealer, a full, true and complete report, in chronological order, of all dealings in secondhand goods, wares and merchandise by such pawnbroker or junk dealer during the 24 hours preceding said report.

B. Exceptions. The following are excluded from the operation of this chapter:

1. Secondhand property which a dealer has acquired from another person who, under applicable state and/or local laws, has previously reported such secondhand property to the appropriate police agency.

The dealer acquiring such property shall keep records of all such acquisitions, which shall be presented to the police department upon demand. (Ord. 1931 § 1, 1981; Ord. 1769 § 1, 1977; Ord. 1008 § 2, 1966; prior code § 17.3(B)).

5.38.060 Pawnbroker or secondhand dealer – Records and reports – Contents required.

The records and reports described in CVMC 5.38.040 and 5.38.050 shall contain the time of day when the article was purchased or received, a complete description of each article purchased or received, and a reasonable description of the person or persons from whom purchased or received, or with whom dealt, and the true name and address of such person or persons, as nearly as same is known to, or can be ascertained by, the person making such report, and a certification by the intended seller that to his or her knowledge and belief the information is true and complete. If any such article purchased or received has engraved thereon any serial number, word or initial, or contains any setting of any kind, the description of such article shall contain such serial number, word or initial, and shall show the kind of setting or settings and the number of each kind. Such records shall also contain the amounts of money loaned and the length of time during which such loan is to continue and the rate of interest exacted for such loan. Any such report made, delivered or received pursuant to this chapter shall be open only to the inspection of the police department of the city, unless exhibited by order of court of competent jurisdiction. (Ord. 1931 § 1, 1981; Ord. 1008 § 2, 1966; prior code § 17.3(C)).

5.38.070 Junk dealer or collector – Records to be kept.

All persons engaged as junk dealers or collectors shall keep a record of any and all articles acquired by purchase, swap or otherwise, which record shall contain the name and address of seller, date of transaction and such other information as may be required by the chief of police. Such records may be destroyed after one year. Any such report or record made, delivered or received pursuant to this chapter shall be open only to the inspection of the police department during ordinary business hours, unless exhibited by order of a court of competent jurisdiction. (Ord. 1008 § 2, 1966; prior code § 17.4).

5.38.080 Use of fictitious name prohibited.

It is unlawful for any person to sign or give a fictitious name or address upon the deposit, sale or pledge of any goods, wares, merchandise or thing of value, or for use in the report form required to be made by the provisions of this chapter or for use in the register required to be kept by the provisions of Section 339 of the Penal Code. (Ord. 1008 § 2, 1966; prior code § 17.5).

5.38.085 Transacting business with minors prohibited.

No pawnbroker or secondhand dealer or junk dealer shall purchase or receive in pledge any personal property from any person under the age of 18 years. (Ord. 1931 § 1, 1981).

5.38.090 Disposal of merchandise – Restrictions.

It is unlawful for any pawnbroker or secondhand dealer to sell or otherwise dispose of any article, merchandise or object within 30 days, except to the pledgor after same has been received or purchased, or to fail to keep such article, merchandise or object unaltered, as pledged or purchased, in lots separate and apart from other articles, merchandise or objects in the place of business of such pawnbroker or secondhand dealer in the city for a period of 30 days from the date of pledge or purchase thereof, except upon the approval of the chief of police; provided, however, that junk dealers, collectors, and secondhand dealers may, upon approval of the chief of police, sell or otherwise dispose of any such items within seven days. (Ord. 1931 § 1, 1981; Ord. 1008 § 2, 1966; prior code § 17.6).

5.38.100 Hours and days for conducting business.

It is unlawful for any person conducting, managing or carrying on the business of pawnbroker or secondhand dealer, buying or selling used jewelry, watches, diamonds, clothing, musical instruments, luggage and sports goods, except a dealer in secondhand automobiles or furniture, to conduct such business as follows:

A. Between the hours of 6:30 p.m. and 8:30 a.m. on weekdays, except that during the month of December such places of business shall be permitted to remain open until 9:00 p.m.;

- B. Between the hours of 6:30 p.m. on Saturday and 8:30 a.m. on Monday;
- C. On the following holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. (Ord. 1008 § 2, 1966; prior code § 17.7).

5.38.110 Exceptions to applicability – Donations.

The provisions of this chapter shall not apply to any person who sells or deals in secondhand goods, wares or merchandise which have been donated to said person or the organization which he represents. A donation occurs, for the purposes of this chapter, when a gift is made to the person or his organization, for which gift no money, property or other goods or services of value are exchanged or to be received in the future. (Ord. 1008 § 2, 1966; prior code § 17.8):

5.38.120 Pawnshop – Employee identification card required.

Every person who is to be employed by the owner of the pawnshop in the conduct of the business shall first file an application for an identification card, signed by the applicant with the chief of police. The application shall show the following information:

- A. Permanent home address and full local address of the applicant;
- B. A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- C. The fingerprints of the applicant;
- D. A statement as to whether or not the applicant has ever been convicted of any offense involving stolen property, and if so, the details in general of such convictions, and specifying the particular crimes or misdemeanors involved and the dates and places of such convictions.

No person carrying on the business of a pawnbroker shall employ anyone who has not received such a police identification card and such identification card shall not be issued if the applicant has been convicted of a crime involving stolen property. A nonrefundable required fee(s), or the required renewal fee(s), shall be charged for such identification card. Such identification cards, when issued, shall expire one year from the date of issuance and may be renewed only by filing a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed. (Ord. 2506 § 1, 1992; Ord. 2408 § 1, 1990; Ord. 1961 § 1, 1982; Ord. 1931 § 1, 1981; Ord. 1680 § 1, 1976; Ord. 1008 § 2, 1966; prior code § 17.9).

5.38.130 Junkyard, secondhand dealer or auto wrecker – Compliance required – Generally.

It is unlawful for any person to carry on, maintain or conduct the business of junk dealer, junk collector, salvage or junkyard, or junk or secondhand material storage or to deal in secondhand articles, other than motor vehicles, in the city, or to carry on, maintain or conduct the business of auto wrecker, whether conducted in conjunction with the sale of used motor vehicles or not, unless such business is carried on, maintained or conducted in compliance with the regulations set forth in this chapter. (Ord. 1008 § 2, 1966; prior code § 17.10).

5.38.140 Junkyard, secondhand dealer or auto wrecker – Enclosure required.

Any business described in CVMC 5.38.130 shall be carried on, maintained or conducted entirely inside an enclosed building, unless the premises on which such business is carried on, maintained or conducted is entirely enclosed by a solid fence or wall at least six feet in height and constructed according to the requirements of the building code. The fence or wall required by this section shall be maintained in a neat, substantial, safe condition and shall be painted. (Ord. 1008 § 2, 1966; prior code § 17.11).

5.38.150 Junkyard, secondhand dealer or auto wrecker – Gates on fence.

Fence gates for access to the premises shall not swing outwardly, and shall be kept closed when the premises are not open for business. Not more than one gate shall be constructed and maintained on each side of the lot or parcel of real property on which such business is conducted, and no such gate shall exceed 20 feet in width. (Ord. 1008 § 2, 1966; prior code § 17.12).

5.38.160 Junkyard, secondhand dealer or auto wrecker – Permitted height of stored materials.

No junk, secondhand articles, automobile salvaged parts, metals, tires or accessories shall be piled, or permitted to be piled, in excess of the height of the enclosing fence or wall, or nearer than two feet thereto. No automobile shall be stored or piled on top of another automobile. (Ord. 1008 § 2, 1966; prior code § 17.13).

5.38.170 Junkyard, secondhand dealer or auto wrecker – Signs or materials not permitted where.

No signs, new materials offered for sale, junk, secondhand articles, automobiles, automobile parts, metals, tires or accessories shall be displayed, offered for sale, stored upon, or deposited upon any public street, alley, sidewalk, public parkway or other public place. (Ord. 1008 § 2, 1966; prior code § 17.14).

5.38.180 Junkyard, secondhand dealer or auto wrecker – Inflammable liquids to be drained from vehicles.

All gas or other inflammable liquids shall be drained and removed from any unregistered motor vehicle located thereon. (Ord. 1008 § 2, 1966; prior code § 17.15).

5.38.190 Junkyard, secondhand dealer or auto wrecker – Inspection requirements.

The premises shall be so arranged that reasonable inspection or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities. (Ord. 1008 § 2, 1966; prior code § 17.16).

5.38.200 Junkyard, secondhand dealer or auto wrecker – Compliance required – License prerequisite.

No license, nor any renewal thereof, shall be hereafter issued unless or until the chief of police has reported to the finance officer that the provisions of CVMC 5.38.130 through 5.38.190 have been complied with. (Ord. 1008 § 2, 1966; prior code § 17.17).

5.38.210 License – Revocation or suspension when.

In the event that any person holding a license authorizing him to engage in, conduct, manage or carry on the business of a pawnbroker or secondhand dealer, or any agent or employee of any such person, violates or causes or permits to be violated any of the provisions of this chapter, or has been convicted of any crime involving stolen property, the Chief of Police shall, in addition to the other penalties provided by this chapter, forthwith suspend the business license or licenses and cause said business to be immediately closed. The Chief of Police shall notify the license holder of the suspension of said license by delivering a notice of such suspension to the license holder or his agent or employee. Delivery of such notice may be made personally or by placing such notice in an envelope properly addressed to such license holder with postage prepaid, sealed and deposited in the United States mail. A licensee, upon suspension of such license, shall have the right to appeal to the City Manager from such order of suspension by the Chief of Police by the filing of a notice of appeal, paying appropriate appeal fees as set forth in the master fee schedule and stating the grounds therefor. Such appeal shall be filed with the City Manager within 10 days after notification of suspension. The City Manager shall utilize the provisions of Chapter 1.40 CVMC regarding notice, appeal and hearing governing the exhaustion of administrative remedy for the revocation or suspension of permits. (Ord. 2718 § 1, 1998; Ord. 1931 § 1, 1981; Ord. 1761 § 1, 1977; Ord. 1008 § 2, 1966; prior code § 17.18(A)).

5.38.220 License – Public hearing on suspension/revocation.

The City Manager shall refer the notice of appeal for hearing in accordance with Chapter 1.40 CVMC, and the licensee shall be notified in writing of the time, place and date of hearing, which shall be not less than 10 days from the filing of the notice of appeal. If the license or licenses of any person licensed by this chapter is so revoked, no license shall be granted to such person to conduct or carry on such business within six months after such revocation. During the period of suspension or revocation, the Chief of Police shall sequester any pledged or pawned goods and hold said goods at the police station in the City or other secured location, and shall post an appropriate notice at the place of business that such goods may be reclaimed at the police station. (Ord. 2718 § 1, 1998; Ord. 1761 § 1, 1977; Ord. 1008 § 2, 1966; prior code § 17.18(B)).

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE RELATING TO ART
FIGURE STUDIOS

WHEREAS, Chapter 5.14 of the Chula Vista Municipal Code provides for the regulation of art figure studios; and

WHEREAS, in November 2012 the City Council adopted Ordinance 3241 amending Chapter 9.13 of the Chula Vista Municipal Code regulating the licensing and operational standards for sexually oriented businesses; and

WHEREAS, Ordinance 3241 includes art model studios in the definition of sexually oriented business; and

WHEREAS, Chapter 5.14 of the Chula Vista Municipal Code has been repealed this same day; and

WHEREAS, it is now necessary to eliminate art figure studio fees from the City's Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 4 (Business) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by .

Maria Kachadoorian
Director of Finance/ Treasurer

Glen R. Googins
City Attorney



MASTER FEE SCHEDULE
Chapter 4 – Business Fees
General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

2013

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS

~~1.~~ Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

~~2-1.~~ Bath House

| | |
|-------------------|-------|
| Application | \$100 |
|-------------------|-------|

~~3-2.~~ Bingo - New and Renewal

| | |
|----------------------|------|
| Chairperson | \$50 |
| Co-Chairperson | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

~~4-3.~~ Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |

~~5-4.~~ Casino Parties

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

~~6-5.~~ Fraternal Society Gameroom

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

~~7-6.~~ Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

~~8-7.~~ Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

~~9-8.~~ Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

~~10-9.~~ Massage Establishment

| | |
|--------------------------------------|-------|
| Application | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

~~11-10.~~ Massage Technician

| | |
|-------------------|------|
| Work permit | \$30 |
|-------------------|------|

~~12-11.~~ Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

~~13-12.~~ Pawnbroker

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

~~14-13.~~ Peddler

| | |
|-------------------|------|
| Application | \$10 |
|-------------------|------|

~~15-14.~~ Public Dance

| | |
|-------------------|------|
| Application | \$50 |
|-------------------|------|

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA REPEALING
CHAPTER 5.14 OF THE CHULA VISTA MUNICIPAL CODE
RELATING TO ART FIGURE STUDIOS

WHEREAS, the City of Chula Vista Municipal Code Chapter 5.14 provides regulation for the operation of Art Figure Studios; and,

WHEREAS, the City of Chula Vista Municipal Code Section 5.14.020 defines an art figure studio; and,

WHEREAS, the City of Chula Vista adopted Ordinance Number 3241 in November 2012 to regulate Sexually Oriented Businesses; and,

WHEREAS, the City of Chula Vista Municipal Code Section 9.13.020(H) defines an adult model studio in the same manner as the City of Chula Vista Municipal Code Section 5.14.020; and,

WHEREAS, the City of Chula Vista Municipal Code Section 9.13.020(X) determines an adult model studio to be a Sexually Oriented Business required to follow the provisions of Chapter 9.13; and,

NOW THEREFORE the City Council of the City of Chula Vista does hereby repeal Chula Vista Municipal Code Chapter 5.14.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

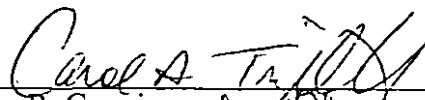
Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

David Bejarano
Chief of Police

Approved as to form by:



Glen R. Googins
City Attorney

for Chance Hawkins

COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 4 (BUSINESS) OF
THE CITY'S MASTER FEE SCHEDULE

WHEREAS, the City entered into a contract with NBS to conduct studies necessary to determine the direct and indirect costs associated various administrative and regulatory activities conducted by the City; and

WHEREAS, the Cost of Service Study of User and Regulatory Fees, Selected Departments – Part I, prepared by NBS resulted in recommended changes to business fees necessary to ensure the City recovers the estimated reasonable cost of providing business regulatory services consistent with the City's Cost Recovery Policy; and

WHEREAS, in order to achieve equitable cost recovery for business regulatory services, the Council wishes to amend Chapter 4 of the City's Master Fee Schedule, as set forth in Exhibit 1, attached and incorporated into this resolution by this reference, as if set forth in full; and

WHEREAS, the proposed fees do not exceed the reasonable cost of providing the associated services; and

WHEREAS, Article XIII C of the California Constitution requires a vote of the electorate to increase any levy, charge, or exaction imposed by a local government, unless specifically exempted; and

WHEREAS, pursuant to the provisions of Article XIII C, the proposed fees are exempt from the vote requirement; and

WHEREAS, the proposed amendments to Chapter 4 of the Master Fee Schedule shall become effective upon adoption of this Resolution by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby amend certain sections of Chapter 4 (Business) of the City's Master Fee Schedule as reflected in Exhibit 1 to this Resolution.

Presented by

Approved as to form by

Maria Kachadoorian
Director of Finance/ Treasurer

Glen R. Googins
City Attorney



MASTER FEE SCHEDULE
Chapter 4 – Business Fees
General Business Fees

City of Chula Vista Finance Department
276 Fourth Avenue, Chula Vista, CA 91910

FEE BULLETIN

4-100

~~May-December~~
~~2010/2011~~

GENERAL BUSINESS

1. Business License Fees, General

| | |
|------------------------------|--------|
| Duplicate license | \$5.00 |
| Change of location | \$12 |
| Home Occupation Permit | \$25 |

Business resource and energy evaluation

| | |
|---------------------------------------|----------------------------|
| Non-compliance fine, greater of | \$15 |
| or | 5% of business license fee |

2. Sales, Special

| | |
|--|------|
| Closing out sale, first 60 days | \$30 |
| Closing out sale, one 30 day extension | \$15 |
| Special sales event | \$45 |
| Temporary outside sales event | \$45 |

SPECIFIC BUSINESS (REGULATORY)

1. Art Figure Studio

| | |
|--------------------------|-------|
| Application | \$100 |
| Work permit, model | \$25 |

2. Bath House

| | |
|---------------------------|-------------------------|
| Application, annual | \$100 \$1400 |
|---------------------------|-------------------------|

3. Bingo—New and Renewal

| | |
|----------------------|-------|
| Application | \$265 |
| Annual renewal | \$265 |
| Chairperson | \$50 |
| Co-Chairperson | \$27 |

In the event an application is denied, fifty percent (50%) of the fee shall be refunded. Applicant shall also pay the required fees for fingerprint processing for each change in the bingo chairperson.

4. Card Room

| | |
|--|-------|
| Application | \$500 |
| Work permit, card room manager | \$50 |
| Work permit, card room employee | \$30 |
| Annual renewal, card room manager | \$20 |
| Annual renewal, card room employee | \$10 |
| Work permit, application | \$175 |
| Work permit, annual renewal | \$100 |

5. Casino Parties

| | |
|-------------------|---------|
| Application | \$50265 |
|-------------------|---------|

6. Fraternal Society Gameroom

| | |
|-------------------|---------|
| Application | \$50265 |
|-------------------|---------|

7. Holistic Health Practitioner

| | |
|-------------------------|-------|
| Investigation fee | \$100 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

8. Junk Dealer

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

9. Live Entertainment

| | |
|-------------------------|-------|
| Investigation fee | \$150 |
|-------------------------|-------|

Investigation fee is refundable upon issuance of a business license.

10.9. Massage Establishment

| | |
|--------------------------------------|-------|
| Application | \$150 |
| Sale/transfer, filing fee | \$25 |
| Change of location, filing fee | \$25 |

11.10. Massage Technician

| | |
|-------------------|------|
| Work permit | \$30 |
|-------------------|------|

12.11. Mobile Home Park Annual Operating Fee

The annual safety and health fee for operation of a mobile home park shall be as established by the State.

13.12. Pawnbroker

| | |
|--|------|
| Application | \$80 |
| Work permit, employee ID card | \$30 |
| Work permit, change of address/replacement | \$10 |

14.13. Peddler

| | |
|-------------------|---------|
| Application | \$10165 |
|-------------------|---------|

15-14. Public Dance

Application.....\$50175

See Master Fee Schedule Fee Bulletins 1-100 and 1-200 for additional discussion of full cost recovery and current hourly rates.

16-15. Second Hand Dealer

Application..... \$80
Work permit, employee ID card..... \$30
Work permit, change of address/replacement. \$10

17-16. Solicitor

Application, includes ID card..... \$10165
Work permit, ID card, annual renewal \$7015

18-17. Transient Merchant

Application..... \$10165

19-18. Alcoholic Beverage Control (ABC)
Determination of Public Convenience or
Necessity (PCN) Hearing

The filing fee shall be the City's full cost including overhead. At time of filing a deposit shall be required.

Filing Hearing fee..... Full cost recovery
Initial deposit..... \$1,500250

APPEALS

19. ABC PCN Determination

Processing fee..... Full cost recovery
Initial deposit..... \$1,000

20. Police Regulated Business License

Processing fee..... Full cost recovery
Initial deposit..... \$250

FULL COST RECOVERY

For all full cost recovery fee items, an initial deposit shall be collected to cover the City's full cost, including overhead, incurred in conjunction with review and processing as requested by applicant. Additional funds may be collected, as required, to cover City costs. Should the application be withdrawn at any time, the deposit shall be adjusted to cover the City's actual costs, including overhead, up to that time. Any funds remaining on deposit at the time of the completion or withdrawal of the application shall be returned to the depositor, after accounting for expenses incurred to date.